



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

### Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

### About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

LITTAUER LIBRARY



LI 210B A

LITTAUER LIBRARY, SSP  
HARVARD UNIVERSITY

Mass. Doc. 1,30

Bd. Nov., 1886.



Harvard College Library

FROM

*The Legislature of  
Massachusetts*

*30 June, 1858*



DEPOSITED BY HARVARD COLLEGE LIBRARY

**This volume lacks**  
**pages 151 and 152.**  
✓ 169 to 173





---

ACTS AND RESOLVES.

**1858.**

---

*Harvard College Library.*

AK 3

38.4





ACTS  
AND  
RESOLVES

PASSED BY THE

General Court of Massachusetts,

IN THE YEAR

1858:

2-2  
— 5 —  
C

TOGETHER WITH THE MESSAGES,  
CHANGES OF NAMES OF PERSONS,  
ETC., ETC., ETC.

---

PUBLISHED BY THE  
SECRETARY OF THE COMMONWEALTH.

---



BOSTON:  
WILLIAM WHITE, PRINTER TO THE STATE.  
1858.

Mass, Dec. 1. 30

1858, June 30  
11. 6 of the Legislature

**The General Court of 1858 assembled in the State House in Boston, on Wednesday, the sixth day of January, and was prorogued on Saturday, the twenty-seventh day of March.**

**The oaths of office, required by the Constitution, were administered to His Excellency, NATHANIEL P. BANKS, on Thursday, the seventh day of January.**

GENERAL STATUTES  
AND  
SPECIAL ACTS  
OF  
MASSACHUSETTS,  
PASSED  
1858.

---

AN ACT TO ESTABLISH A BETTER SYSTEM FOR THE ADMINISTRATION *Chap. 1.*  
OF THE FINANCES OF THIS COMMONWEALTH.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. No money shall be paid from the treasury of this Commonwealth at any time hereafter, except upon the warrant of the governor, drawn in accordance with some appropriation contained in some act or resolve duly passed within the same political year. Money paid from treasury only on warrant of governor.

SECTION 2. There shall be excepted from the provisions of the preceding section, all payments required on account of the principal or interest of any public debt, or for the salaries established by standing laws of the judges of the supreme judicial court and of the governor: and said principal and interest shall be paid whenever they may become due, and said salaries shall be paid under the warrant of the governor, in the same manner as if a specific appropriation therefor were included in a separate law passed each year. Exceptions.

SECTION 3. This act shall not be construed to prevent the payment from the treasury in any year, to any person or persons to whom the same may be justly due, of any appropriation, or any unexpended balance of any appropriation, duly made in the preceding year. But in case any appro- How construed. Appropriations not called for, in two years, shall revert, &c.

priation or balance shall not be called for by the person or persons to whom it may be due, or shall not be applied to the objects for which it was designed, within the same political year in which it shall have been made, or the succeeding political year, such appropriation or balance shall revert to the general treasury, and shall not afterwards be paid out, except by virtue of a new appropriation.

Treasurer's annual report to contain statement of warrants unpaid, &c.

SECTION 4. It shall be the duty of the treasurer to include in his annual report to the legislature, a specific statement of all warrants remaining unpaid, and the names of the persons in whose favor they were drawn; in order that the payment of such sums under this head as may be necessary and proper, may be authorized by new appropriations.

SECTION 5. This act shall take effect from and after its passage.

*Approved January 22, 1858.*

## Chap. 2.

### AN ACT TO REGULATE THE COMPENSATION OF MEMBERS, OFFICERS AND ATTENDANTS OF THE LEGISLATURE.

*Be it enacted, &c., as follows:*

Compensation and mileage of members.

SECTION 1. The compensation of each member of the senate and house of representatives shall be three hundred dollars, for the regular annual session for which such member shall have been elected, and one dollar for every five miles travel from their respective places of abode, once in each session, to the place of the sitting of the general court, to be paid in the manner following, to wit: On the first day of such regular annual session, each senator and representative shall be entitled to receive his mileage, and on the first day of each month thereafter, shall be paid at the rate of two dollars per day, until the sum of three hundred dollars above named shall have been paid; and on the last day of the session there shall be paid to each senator and representative the balance, if any remain unpaid, of the said sum of three hundred dollars.

Duty of treasurer

SECTION. 2. It shall be the duty of the treasurer, or other officer who may be charged with the payment of the members of the legislature, to deduct from the compensation of each member, as herein provided, three dollars for each day that such member shall have been absent, unless his absence shall have been excused by the house of which he is a member: and it shall be the duty of the clerks of the senate and house, respectively, to certify, upon the written statement of members, to the treasurer of the Commonwealth, or such other officer as may be charged with the payment of the members, the number of days of each mem-

Clerks to certify, &c.

ber's attendance, and such written statements of members shall be preserved in the office of the treasurer.

SECTION 3. The president of the senate and speaker of the house of representatives shall receive double the compensation above provided for senators and representatives, to be paid at the times and in the manner herein provided for the payment of said senators and representatives. Compensation of presiding officers.

SECTION 4. No periodicals, publications or books, other than those printed for the use of the legislature, shall hereafter be ordered for members at the charge of the Commonwealth. Publications prohibited.

SECTION 5. There shall be paid to the clerks of the senate and house of representatives, respectively, an annual salary of two thousand dollars, to be paid quarterly, which shall be considered full compensation for the performance of all the duties now required of, and performed by, the said clerks and their assistants, including the preparing of an index and duplicate copy of the journals. Compensation of clerks.

SECTION 6. There shall be paid to the chaplains of the senate and house of representatives, an annual salary of two hundred dollars each, to be paid at the close of the regular annual session of the legislature. Compensation of chaplains.

SECTION 7. There shall be paid to each of the door-keepers and messengers of the senate and house of representatives, the sum of three hundred dollars, and to the pages of the senate and house, the sum of two hundred dollars each, which shall be considered full compensation for all services which may be required of said door-keepers, messengers and pages, at the regular annual session of the legislature; said sums to be paid monthly, at the rate of two dollars per day for each door-keeper or messenger, and of one dollar and fifty cents per day for each page, until the said sums of three hundred dollars and two hundred dollars, above named, shall have been paid; and on the last day of the session, there shall be paid to each messenger, door-keeper and page, the balance, if any remain unpaid, of the sums above named. Compensation of doorkeepers, messengers, &c.

SECTION 8. All acts or parts of acts inconsistent with this act, are hereby repealed. Repeal.

SECTION 9. This act shall apply to the present legislature, and shall take effect from and after its passage.

*Approved January 30, 1858.*

**Chap. 3. AN ACT TO PERPETUATE THE EVIDENCE OF FORECLOSURE OF MORTGAGES OF PERSONAL PROPERTY.**

*Be it enacted, &c., as follows:*

Affidavit of mortgagee's intention to foreclose, filed in town clerk's office, may be used as evidence.

Whenever any mortgagee of personal property, or his assigns, shall have given notice of his or their intention to foreclose his mortgage, in the manner required by the seventy-second chapter of the acts of the year eighteen hundred and forty-three, or the one hundred and seventy-fourth chapter of the acts of the year eighteen hundred and fifty-six, he or they may make affidavit thereof and cause the same to be recorded at any time before foreclosure, in the town clerk's office where the mortgage is recorded; and whenever any such affidavit shall be so made and recorded, the same, or said record thereof, shall be admitted as evidence of the service of notice in the manner therein set forth.

*Approved February 1, 1858.*

**Chap. 4. AN ACT TO AUTHORIZE THE SPRINGFIELD FIRE AND MARINE INSURANCE COMPANY TO INCREASE ITS INVESTMENT IN REAL ESTATE.**

*Be it enacted, &c., as follows:*

Additional real estate, \$15,000.

The Springfield Fire and Marine Insurance Company is hereby authorized to hold real estate in the city of Springfield, to an amount not exceeding in value fifteen thousand dollars, in addition to the amount authorized by the second section of the one hundred and thirty-fifth chapter of the laws of this Commonwealth, for the year eighteen hundred and forty-nine, and subject to the exceptions therein contained.

*Approved February 1, 1858.*

**Chap. 5. AN ACT CONCERNING THE BRANCHES TO BE TAUGHT IN THE PUBLIC SCHOOLS.**

*Be it enacted, &c., as follows:*

Act amended.

SECTION 1. The first section of the twenty-third chapter of the Revised Statutes, and the first section of the fifty-sixth chapter of the laws of the year one thousand eight hundred and thirty-nine, are hereby so amended, that the teachers of schools required to be kept by such sections, shall be competent to give instruction in orthography, reading, writing, English grammar, geography, arithmetic, physiology and hygiene, the history of the United States, and in good behavior.

Competency of teachers.

Additional branches to be taught.

SECTION 2. Physiology, hygiene and algebra, shall hereafter be taught in the public schools of this Commonwealth, in all cases in which the school committee shall deem it expedient.

Repeal.

SECTION 3. Chapter two hundred and twenty-nine, of the laws of the year one thousand eight hundred and fifty, and



the first section of chapter two hundred and six, of the laws of the year one thousand eight hundred and fifty-seven, are hereby repealed.

*Approved February 5, 1858.*

AN ACT IN ADDITION TO AN ACT CONCERNING ELECTIONS OF REPRESENTATIVES TO THE GENERAL COURT.

*Chap. 6.*

*Be it enacted, &c., as follows :*

SECTION 1. Whenever a vacancy may exist, or may hereafter occur in any representative district, in this Commonwealth, the speaker of the house of representatives shall, in the precept, which he may issue by order of the house, giving notice of the fact of such vacancy, appoint a time, at which an election to fill such vacancy shall be held in said district. Upon the reception of such precept, the mayor and aldermen of any city wherein such district lies, and the selectmen of the several towns comprising such district, shall issue their warrants for an election to fill such vacancy on the day named in said precept; and the same proceedings shall be had in the conducting of said election, and ascertaining and recording the result thereof, notifying the persons elected, and making certificates and returns of such election, as in case of the original election of such representatives.

Vacancy in district.

Speaker to appoint time for filling.

On reception of precept, warrant to fill vacancy to be issued, &c.

SECTION 2. This act shall take effect from and after its passage.

*Approved February 5, 1858.*

AN ACT RELATING TO THE DISTRIBUTION OF THE ANNUAL REPORTS OF RAILROAD CORPORATIONS.

*Chap. 7.*

*Be it enacted, &c., as follows :*

SECTION 1. The secretary of the Commonwealth is hereby authorized to furnish to every railroad corporation established within the Commonwealth, one copy of each of the annual reports of the other railroad corporations which are now required, by law, to be delivered, annually, by the respective corporations, to the Secretary of the Commonwealth.

Secretary to furnish each railroad one copy of reports.

SECTION 2. This act shall take effect from and after its passage.

*Approved February 8, 1858.*

AN ACT TO CHANGE THE NAME OF THE JAMAICA PLAIN ATHENÆUM.

*Chap. 8.*

*Be it enacted, &c., as follows :*

SECTION 1. The corporate name of the "Jamaica Plain Athenæum" shall hereafter be the Eliot Library Association.

Eliot Library Association.

SECTION 2. This act shall take effect from and after its passage.

*Approved February 8, 1858.*

**Chap. 9. AN ACT TO EXTEND THE CHARTER OF THE AMERICAN INSURANCE COMPANY.***Be it enacted, &c., as follows :*

Charter extended  
twenty years  
from June 12,  
1858.

SECTION 1. The American Insurance Company is hereby continued a corporation, for the term of twenty years from and after the twelfth day of June, one thousand eight hundred and fifty-eight; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in all subsequent general laws of this Commonwealth, that have been or may be passed in relation to similar corporations.

*Approved February 11, 1858.***Chap. 10. AN ACT IN ADDITION TO "AN ACT TO REGULATE THE USE OF RAILROADS."***Be it enacted, &c., as follows :*

Commissioners to  
determine their  
proportion of  
compensation.

SECTION 1. The compensation of commissioners, who may hereafter be appointed in accordance with the provisions of the one hundred and ninety-first chapter of the acts of the year eighteen hundred and forty-five, and the two hundred and ninety-first chapter of the acts of the year eighteen hundred and fifty-seven, shall be paid by the respective corporations, in such proportions as said commissioners shall determine.

Repeal.

SECTION 2. The fourth section of the one hundred and ninety-first chapter of the acts of the year eighteen hundred and forty-five, is hereby repealed.

SECTION 3. This act shall take effect from and after its passage.

*Approved February 11, 1858.***Chap. 11. AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE CURRENT YEAR.***Be it enacted, &c., as follows :*

Appropriations  
for 1858.

SECTION 1. The sums hereinafter mentioned are appropriated, and shall be allowed and paid out of the treasury of this Commonwealth, upon the warrants of the governor, for the purposes specified, to meet the current expenses of the year ending on the thirty-first day of December, one thousand eight hundred and fifty-eight, that is to say :

Lieutenant-Gov-  
ernor and coun-  
cil.

For the mileage and compensation of the lieutenant-governor and council, a sum not exceeding eight thousand dollars.

Mileage and com-  
pensation of leg-  
islature.

For the mileage of senators, a sum not exceeding four hundred dollars.

For the mileage of representatives, a sum not exceeding two thousand three hundred dollars.

For the compensation of senators, a sum not exceeding twelve thousand three hundred dollars.

For the compensation of representatives, a sum not exceeding seventy-two thousand four hundred dollars.

For the salaries of the clerks of the senate and house of representatives, including the compensation of such assistants as they may appoint, four thousand dollars. Clerks.

For the salaries of the chaplains of the senate and house of representatives, four hundred dollars. Chaplains.

For newspapers ordered by the sergeant-at-arms in conformity with orders of the two houses of the general court, at the present session, a sum not exceeding four thousand five hundred dollars: *provided*, that the bills therefor shall be audited by the auditor, and shall likewise be approved in accordance with the provisions of the resolves of the year one thousand eight hundred and fifty-seven, chapter nineteen. Newspapers.

For postage upon newspapers ordered by the sergeant-at-arms in conformity with orders of the two houses of the general court, a sum not exceeding three hundred dollars. Postage.

For fees of witnesses summoned before committees, in accordance with the provisions of the acts of one thousand eight hundred and forty-nine, chapter two hundred and eight, a sum not exceeding five hundred dollars: *provided*, that no part of such sum shall be paid to any witness summoned before any committee which did not have authority to send for persons and papers; and all accounts of such fees shall be endorsed with the written approval of a majority of the members of the committee. Witnesses.

For the compensation of the preacher of the election sermon, fifty dollars. Preacher.

For stationery for the senate, purchased by the clerk of the senate, a sum not exceeding one thousand one hundred dollars. Stationery for legislature.

For stationery for the house of representatives, purchased by the clerk of the house of representatives, a sum not exceeding two thousand dollars.

For the state library, in accordance with the resolves of one thousand eight hundred and fifty-seven, chapter forty-nine, two thousand three hundred dollars, to be expended under the direction of the trustees and librarian; and all sums required for the completion of the catalogue shall be paid from this appropriation. Library.

For the salary of the chief justice of the court of common pleas, two thousand seven hundred dollars. Justices court of common pleas.

- For the salaries of six associate justices of said court, two thousand five hundred dollars each—fifteen thousand dollars.
- Attorney-general** For the salary of the attorney-general, two thousand five hundred dollars.
- Reporter.** For the salary of the reporter of the decisions of the supreme judicial court, three hundred dollars.
- Attorney-general's clerk, &c.** For clerk hire for the attorney-general, a sum not exceeding one thousand dollars.
- For the incidental expenses of the office of the attorney-general, a sum not exceeding one hundred dollars.
- Secretary.** For the salary of the secretary of the Commonwealth, two thousand dollars; and said secretary shall pay into the treasury all fees received by him.
- Clerks, &c.** For the salary of the first clerk in the secretary's office, one thousand five hundred dollars.
- For the salary of the second clerk in the secretary's office, one thousand two hundred dollars.
- For such additional clerical assistance as the secretary may find necessary for the performance of the duties of the office, a sum not exceeding fourteen thousand dollars: *provided*, that no clerk shall receive more than one thousand one hundred dollars during the year, except the first and second clerks aforesaid.
- For incidental expenses of the secretary's office, a sum not exceeding three thousand two hundred dollars.
- Treasurer.** For the salary of the treasurer and receiver-general, two thousand dollars.
- Clerks, &c.** For the salary of the first clerk in the treasurer's office, one thousand five hundred dollars.
- For the salary of the second clerk in the treasurer's office, one thousand two hundred dollars.
- For incidental expenses of the treasurer's office, a sum not exceeding three hundred dollars.
- Auditor.** For the salary of the auditor of accounts, two thousand dollars.
- Clerk, &c.** For the salary of the clerk of the auditor of accounts, one thousand two hundred dollars.
- For incidental expenses of the auditor's office, a sum not exceeding one hundred and fifty dollars.
- Sergeant-at-arms.** For the salary of the sergeant-at-arms, in addition to the rent of the house belonging to the Commonwealth, numbered twelve in Hancock Street, in the city of Boston, one thousand three hundred dollars.
- Fuel and lights.** For fuel and lights for the state house, a sum not exceeding two thousand dollars; and such sum shall be disbursed under the direction of the commission provided in the acts

of the year one thousand eight hundred and fifty-seven, chapter sixty-five; and chapter fifty-seven of the resolves of the year one thousand eight hundred and fifty-five, is hereby repealed.

For repairs, improvements and furniture of the state house, to be disbursed in the manner provided in the acts of the year one thousand eight hundred and fifty-seven, chapter sixty-five, a sum not exceeding one thousand dollars.

For contingent expenses of the council, senate and house of representatives, to be disbursed in the manner provided in the acts of the year one thousand eight hundred and fifty-seven, chapter sixty-five, a sum not exceeding one thousand five hundred dollars: *provided*, that no part of such sum shall be expended for stationery, postage, printing, repairs, or furniture, or for the purchase of any article or thing, or to effect any object, for which an appropriation is otherwise made in this act, or in any act which may have been passed subsequently.

For postage, printing and stationery, for the governor and council, a sum not exceeding five hundred dollars.

For printing and binding, ordered by the senate or house of representatives, or by the concurrent order of the two branches, in accordance with the fifteenth of the joint rules and orders of the two branches, a sum not exceeding fifteen thousand dollars.

For printing blanks and circulars, and the calendar of orders of the day, required for the use of the senate, under the direction of the clerk of the senate, a sum not exceeding four hundred dollars.

For printing blanks and circulars, and the calendar of orders of the day, required for the use of the house of representatives, under the direction of the clerk of the house of representatives, a sum not exceeding seven hundred dollars.

For printing the public series of documents in the last quarter of the year one thousand eight hundred and fifty-eight, under the direction of the secretary of the Commonwealth, according to the acts of the year one thousand eight hundred and fifty-seven, chapter forty, and for binding the copies to be distributed to the towns and cities, as provided in said act, a sum not exceeding five thousand dollars.

To the sheriffs of the several counties, for distributing blanks and making returns of votes, in accordance with the Revised Statutes, chapter six, section ten, a sum not exceeding eight hundred dollars.

For the mileage and compensation of the bank commis-

sioners, a sum not exceeding five thousand eight hundred dollars.

Clerk, &c.

For the salary of the clerk of the bank commissioners, one thousand two hundred dollars.

For the incidental expenses of the bank commissioners, a sum not exceeding one hundred dollars.

Back Bay Commissioners, &c.

For the compensation of the commissioners on the Back Bay, a sum not exceeding one thousand five hundred dollars; and for the incidental expenses of said commissioners, a sum not exceeding five hundred dollars; said sums to be paid from the moiety of the proceeds of sales already made, which, by the resolves of the year one thousand eight hundred and fifty-seven, chapter seventy, is applicable to improvements; and the residue of said moiety shall be subject to the provisions of said chapter seventy.

#### CHARITABLE.

Perkins Institution.

For the Perkins Institution and Massachusetts Asylum for the Blind, in accordance with the resolves of the year one thousand eight hundred and fifty-five, chapter sixty-two, twelve thousand dollars.

School for Idiots, &c.

For the Massachusetts School for Idiotic and Feeble-minded Youth, in accordance with the resolves of the year one thousand eight hundred and fifty-one, chapter forty-four, five thousand dollars.

Deaf and dumb.

For the support of patients from Massachusetts in the asylum for the deaf and dumb, at Hartford, in the state of Connecticut, a sum not exceeding eight thousand six hundred dollars.

Hospitals—Worcester,

For the salaries of the officers of the lunatic hospital at Worcester, three thousand four hundred dollars.

Taunton,

For the salaries of the officers of the lunatic hospital at Taunton, three thousand two hundred and twenty-five dollars.

Northampton.

For the salary of the superintendent of the lunatic hospital at Northampton, a sum not exceeding one thousand eight hundred dollars.

Annuities, Martha Johonnot.

For the annuities due from the Commonwealth, in respect to the obligations incurred by the acceptance of the bequests of the late Martha Johonnot, a sum not exceeding one thousand six hundred and forty dollars.

Coroners.

For the expenses of coroners' inquests, a sum not exceeding one thousand dollars.

Pensions.

For pensions, a sum not exceeding five hundred dollars.

For Indians, a sum not exceeding three thousand three hundred dollars. Indians.

For the current expenses of the state almshouse at Tewksbury, for the quarter ending March thirty-first, in the year one thousand eight hundred and fifty-eight, a sum not exceeding twelve thousand dollars. Almshouses—Tewksbury.

For the current expenses of the state almshouse at Monson, for the quarter ending March thirty-first, in the year one thousand eight hundred and fifty-eight, a sum not exceeding eleven thousand dollars. Monson,

For the current expenses of the state almshouse at Bridgewater, for the quarter ending March thirty-first, in the year one thousand eight hundred and fifty-eight, a sum not exceeding nine thousand dollars. Bridgewater.

For the current expenses of the Hospital at Rainsford Island, for the quarter ending March thirty-first, in the year one thousand eight hundred and fifty-eight, a sum not exceeding seven thousand five hundred dollars. Hospital—Rainsford Island.

For the support and relief of state paupers otherwise than in the three almshouses and in the hospital at Rainsford Island, a sum not exceeding sixty thousand dollars. Other state paupers.

To the sinking fund, for the redemption of the scrip issued to obtain means for building the state almshouses, six thousand dollars. Almshouse sinking fund.

#### SCIENTIFIC AND EDUCATIONAL.

For corrections in the plates of the state map, in accordance with the resolves of the year one thousand eight hundred and fifty-seven, chapter eighty-two, a sum not exceeding one hundred dollars. State map.

For bounties to agricultural societies, eleven thousand eight hundred fifteen dollars. Bounties.

To the American Institute of Instruction, three hundred dollars, to be paid from the moiety of the income of the school fund which is applicable to educational purposes. American Institute of Instruction.

For the salary of the secretary of the board of education, two thousand dollars. Secretary board of education and assistant, &c.

For the salary of the assistant-secretary of the board of education, one thousand three hundred dollars; and such salaries of the secretary and assistant-secretary, shall be paid from the moiety of the income of the school fund which is applicable to educational purposes.

For additional assistance in the library, in accordance with the resolves of the year one thousand eight hundred Library.



and fifty-seven, chapter forty-nine, a sum not exceeding five hundred dollars.

Secretary and  
members board  
of agriculture.

For the salary of the secretary of the state board of agriculture, one thousand five hundred dollars.

For the travelling expenses of members of the said board, a sum not exceeding one thousand dollars.

For the travelling expenses of the secretary of said board, all postages and other necessary expenses, in accordance with the resolves of the year one thousand eight hundred and fifty-three, chapter sixty-seven, a sum not exceeding two hundred and fifty dollars.

For other incidental expenses of said board, a sum not exceeding fifty dollars.

Clerk.

For the salary of the clerk of the secretary of said board, six hundred dollars.

#### MILITARY.

Adjutant-gen-  
eral.

For the salary of the adjutant and quartermaster-general, one thousand eight hundred dollars.

Clerk, &c.

For the salary of the clerk of the adjutant-general, one thousand dollars.

For the incidental expenses of the office of the adjutant-general, a sum not exceeding one hundred dollars.

#### REFORMATORY AND CORRECTIONAL.

Fugitives.

For the expenses of the arrest of fugitives from justice, a sum not exceeding one thousand five hundred dollars.

Discharged Con-  
victs.

For the relief of discharged convicts, to be disbursed in accordance with the provisions of the acts of the year one thousand eight hundred and fifty-two, chapter two hundred and thirteen, a sum not exceeding one thousand dollars, including five hundred dollars paid to the agent for the relief of discharged convicts, as his salary.

Reform School,  
Westborough,

For the current expenses of the State Reform School for Boys, at Westborough, a sum not exceeding forty-four thousand dollars.

Industrial, Lan-  
caster.

For the current expenses of the State Industrial School for Girls, at Lancaster, a sum not exceeding thirteen thousand dollars.

How construed.

SECTION 2. Nothing in this act shall be construed to require any payments to any person with whom the Commonwealth has an unadjusted account; but it shall be the duty of the governor, upon receiving satisfactory information that any moneys are illegally withheld from the

Commonwealth by any such person, to instruct the treasurer to withhold all payments of money to such person, while such default continues.

SECTION 3. All salaries mentioned in this act shall be paid quarter-yearly, on the first days of April, July, October and January, and shall be in full for all services rendered to the Commonwealth by the persons to whom they are paid; and no salary shall be paid to any person for a longer period than that during which he shall have been actually employed in the duties of the office to which the salary is attached; and no person shall receive two or more salaries from the state treasury at the same time. Salaries to be paid quarterly.

SECTION 4. In case any salary mentioned in this act shall be diminished by due authority, no more money shall be paid under the appropriation herein made, than the amount of such diminished salary when duly established. Reduced salaries.

SECTION 5. The term "incidental expenses," wherever it is employed in this act, shall be held to include postage, printing and stationery, the necessary charges for which shall be defrayed in each department as a part of the expenses of the department, in accordance with the appropriations herein provided. Incidental expenses.

SECTION 6. In case any appropriation is made in this act for a service or object for which a larger or different appropriation may have been made in some previous act or resolve, the appropriation made in this act shall be held to supersede the other, and so much of the previous act or resolve as provides the larger or different appropriation, is hereby repealed. Repeal.

SECTION 7. It shall be the duty of the auditor to scrutinize all accounts which may be presented for allowance in accordance with the provisions of the acts of the year one thousand eight hundred and forty-nine, chapter fifty-six, as well accounts for services or objects for which definite appropriations are made, as those for which the appropriations are made in the form of an amount not exceeding a certain sum; and he shall have full authority to deduct overcharges in all cases in which he finds them; and it shall be the duty of all public functionaries charged with the execution of any service for which an appropriation is made, to use every effort to accomplish the same for a less sum than the amount of the appropriation, whenever it can be done conformably to the interests of the Commonwealth; and no public functionary shall make any purchases or incur any liabilities in the name of the Commonwealth, for a larger amount than that which has been appropriated by law for the service or object; and it is hereby enacted and declared Auditor.

that the Commonwealth has no responsibility for the acts of its servants and officers, beyond the several amounts duly appropriated by law.

Payments, how made, &c.

SECTION 8. All payments authorized by this act, shall be made from the ordinary revenue, except in cases in which another provision is herein expressly made.

Repeal.

SECTION 9. All acts and parts of acts, all provisions of law whatsoever, resolves and parts of resolves, customs, traditions, usages and prescriptions, which are inconsistent with the provisions of this act (excepting only such as may be contained in the constitution of the United States, the constitution of the Commonwealth of Massachusetts and the first chapter of the acts of the present year) are hereby repealed, abrogated and annulled.

SECTION 10. This act shall take effect from and after its passage.

*Approved February 12, 1858.*

**Chap. 12.**

AN ACT RELATING TO THE STATE LUNATIC HOSPITALS.

*Be it enacted, &c., as follows :*

Annual meetings, when to be held.

The trustees of the state lunatic hospitals shall hold their annual meetings between the first and fifteenth days of October, in each year, at which time the treasurers shall present their annual reports made up to the thirtieth day of September, inclusive.

*Approved February 13, 1858.*

**Chap. 13.**

AN ACT CONCERNING THE BOSTON AND NEW YORK CENTRAL RAILROAD COMPANY.

*Be it enacted, &c., as follows :*

Time for construction extended.

The time within which the Boston and New York Central Railroad Company may construct that portion of their railroad which was originally incorporated as the Southbridge and Blackstone Railroad Company, is hereby extended to May first, eighteen hundred and fifty-nine: *provided, however,* that any person or persons whose land or other property has been taken by said railroad company, shall have one year in addition to the time now allowed by law, to avail himself or themselves of the remedies provided in the thirty-ninth chapter of the Revised Statutes.

*Approved February 13, 1858.*

**Chap. 14.**

AN ACT IN RELATION TO THE INSTITUTION FOR SAVINGS IN NEWBURYPORT AND ITS VICINITY.

*Be it enacted, &c., as follows :*

Treasurer to be elected by trustees.

SECTION 1. The treasurer of the institution for savings in Newburyport and its vicinity, shall hereafter be elected by the trustees thereof.

**SECTION 2.** So much of the act incorporating said institution as is inconsistent herewith, is hereby repealed.

*Repeal.*

*Approved February 13, 1858.*

**AN ACT CONCERNING THE BROADWAY RAILROAD COMPANY.**

*Chap. 15.*

*Be it enacted, &c., as follows :*

**SECTION 1.** The time within which the Broadway Railroad Company is required, by the eleventh section of the four hundred and forty-fourth chapter of the acts of eighteen hundred and fifty-four, to pay in ten per cent. of its capital stock, is hereby extended for the period of six months from the passage of this act. The existence of said corporation shall continue for the period limited in the thirteenth section of said four hundred and forty-fourth chapter, subject to the provisions of said chapter; of the two hundred and sixteenth chapter of the acts of eighteen hundred and fifty-seven, and of this act.

*Time for paying in ten per cent. of capital stock extended.*

**SECTION 2.** Said corporation is hereby authorized to increase its capital stock by an amount not exceeding one hundred thousand dollars, to be divided into shares of fifty dollars each: *provided*, that no shares shall be issued for a less sum, to be actually paid in, than the par value thereof; *provided, also*, that this act shall not go into operation until it shall be assented to by the city of Boston.

*May increase capital stock.*

*Proviso.*

*Approved February 13, 1858.*

**AN ACT TO AUTHORIZE THE HEIRS OF JOHN BLACK TO EXTEND THEIR WHARF.**

*Chap. 16.*

*Be it enacted, &c., as follows :*

**SECTION 1.** The heirs of John Black, proprietors of Black's wharf, so called, in Chelsea, are hereby authorized to extend their wharf in a southerly direction, to the commissioners' line: *provided, however*, that this act shall not in any manner interfere with the legal rights of any person or persons whatever; and *provided, also*, that said extension shall be built on piles.

*May extend wharf.*

*Proviso.*

**SECTION 2.** This act shall take effect from and after its passage.

*Approved February 13, 1858.*

**AN ACT TO INCORPORATE THE DORCHESTER FIRE INSURANCE COMPANY.**

*Chap. 17.*

*Be it enacted, &c., as follows :*

**SECTION 1.** Asaph Churchill, John H. Robinson, Charles A. Wood, their associates, successors and assigns, are hereby made a corporation, for the term of twenty years from the passage of this act, by the name of the *Dorchester Fire*

*Corporators.*

*Duration.*

**Location.** Insurance Company, to be established in the town of Dorchester, and county of Norfolk, for the purpose of making insurance against losses by fire ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in any and all statutes or general laws of this Commonwealth which are now, or may hereafter be in force relative to insurance companies.

**Purpose.** **Capital stock** \$50,000.  
**Shares** \$100 each. **SECTION 2.** The said corporation shall have a capital stock of fifty thousand dollars, divided into shares of one hundred dollars each, with liberty to pay in and increase the same to an amount not exceeding one hundred thousand dollars, and to hold real and personal estate for its use, not exceeding ten thousand dollars. *Approved February 13, 1858.*

**Real estate** \$10,000.

**Chap. 18.** AN ACT TO CONFIRM THE TRANSFER OF THE FRANCHISE OF THE SAUGUS BRANCH RAILROAD COMPANY TO THE EASTERN RAILROAD COMPANY.

*Be it enacted, &c., as follows :*

**Transfer and sale confirmed.** **SECTION 1.** The transfer and sale heretofore made by the Saugus Branch Railroad Company, of its franchise, rights and property, to the Eastern Railroad Company, in accordance with the provisions of the one hundred and sixty-fourth chapter of the acts of the year eighteen hundred and fifty-two, are hereby confirmed; and said Eastern Railroad Company shall have all the powers and privileges, and be subject to all the duties and liabilities, set forth in the act of incorporation of said Saugus Branch Railroad Company, and the several acts in addition thereto.

**SECTION 2.** This act shall take effect from and after its passage. *Approved February 13, 1858.*

**Chap. 19.** AN ACT CONCERNING THE MILLBURY AND SOUTHBRIDGE RAILROAD COMPANY.

*Be it enacted, &c., as follows :*

**Time for completion extended two years.** **SECTION 1.** The time within which the Millbury and Southbridge Railroad Company may complete their railroad, is hereby extended two years from the time now allowed by law.

**SECTION 2.** This act shall take effect from and after its passage. *Approved February 13, 1858.*

**Chap. 20.** AN ACT TO EXTEND THE TIME WITHIN WHICH TO LOCATE AND CONSTRUCT THE NEW YORK AND BOSTON RAILROAD.

*Be it enacted, &c., as follows :*

**Time for locating, &c., extended two years.** **SECTION 1.** The time for locating and constructing the New York and Boston Railroad, is hereby extended two years beyond the time now required by law.

**SECTION 2.** This act shall take effect on and after its passage. *Approved February 13, 1858.*

AN ACT TO AUTHORIZE HENRY A. POTTER AND OTHERS TO MAINTAIN *Chap. 21.*  
AND EXTEND THEIR WHARF.

*Be it enacted, &c., as follows:*

SECTION 1. Henry A. Potter, Moses Gilbert and Benjamin Potter, Jr., proprietors of Potter's wharf, so called, in Marblehead, are hereby authorized to maintain said wharf, and to widen it sixteen feet on the eastern side, and sixty feet on the western side thereof; and they shall have the right to lay vessels at the end and sides of said wharf, and to receive wharfage and dockage therefor: *provided, however,* that this act shall not in any way interfere with the legal rights of any person or persons whatever. May widen wharf  
Rights, &c.  
Proviso.

SECTION 2. This act shall take effect from and after its passage.

*Approved February 13, 1858.*

AN ACT MAKING AN APPROPRIATION FOR THE EMERGENCY FUND.

*Chap. 22.*

*Be it enacted, &c., as follows:*

There is hereby appropriated the sum of ten thousand dollars, to be designated as the Emergency Fund, which shall be paid out of the treasury of this Commonwealth, from ordinary revenue, on any warrants of the governor which may be drawn from time to time, for such amounts, not exceeding, in the aggregate, ten thousand dollars, as, in the judgment of the governor, by and with the advice and consent of the council, may be necessary for the defence and support of the Commonwealth, and for the protection and preservation of the inhabitants thereof: *provided,* that no part of this sum shall be expended for services or objects for which there are or may be subsisting appropriations contained in any act or resolve which has been or may be passed at the present session of the general court; and an account shall be rendered to the next general court, on or before the fifteenth day of January next, of the manner in which said fund, or any part thereof, has been disbursed. Emergency Fund  
\$10,000. How  
appropriated.  
Proviso.

*Approved February 15, 1858.*

AN ACT CONCERNING COMPLAINTS BEFORE JUSTICES OF THE PEACE *Chap. 23.*  
AND POLICE COURTS.

*Be it enacted, &c., as follows:*

The provisions of the fourteenth section of the one hundred and thirty-seventh chapter of the Revised Statutes, and of the third section of the thirty-seventh chapter of the acts of the year eighteen hundred and fifty-two, are hereby extended to complaints before justices of the peace or police courts. Provisions of  
statutes extend-  
ed.

*Approved February 15, 1858.*

**Chap. 24.** AN ACT MAKING APPROPRIATIONS TO PAY CERTAIN EXPENSES OF THE YEAR ONE THOUSAND EIGHT HUNDRED AND FIFTY-SEVEN.

*Be it enacted, &c., as follows :*

**Appropriations authorized.**

**SECTION 1.** The sums hereinafter mentioned are appropriated, and shall be allowed and paid out of the treasury of the Commonwealth, upon the warrants of the governor, to meet certain expenses belonging to the year one thousand eight hundred and fifty-seven, that is to say :

**Militia bounty.**

For militia bounty, forty-six thousand seven hundred and forty-two dollars and fifty cents.

**Printing.**

For state printing, four thousand three hundred and fifty-three dollars and forty-six cents.

**Plymouth Records.**

For printing New Plymouth Records, five thousand nine hundred dollars and thirty-five cents.

**Other payments.**

For certain other payments for which warrants had been drawn by the governor under existing laws, prior to the passage of the act to establish a better system for the administration of the finances of this Commonwealth, one thousand three hundred and ninety-nine dollars and twenty-three cents.

**Court reports.**

For term reports, purchased and delivered, one thousand and thirty-nine dollars and twenty-three cents.

**Coroners.**

For coroners, a sum not exceeding two hundred and fifty dollars.

**Sheriffs.**

For sheriffs, a sum not exceeding nine hundred and fifty dollars.

**Newspapers.**

For newspapers, a sum not exceeding one hundred dollars.

**Indians.**

For Indians, a sum not exceeding fifty dollars.

**Celebration.**

For the celebration of the seventeenth of June in the year one thousand eight hundred and fifty-seven, a sum not exceeding two thousand four hundred and fifty-eight dollars and fifty-four cents.

**County treasurers.**

To reimburse to county treasurers two-thirds of the costs of criminal prosecutions, a sum not exceeding thirty-five thousand dollars.

**Armories.**

For rent of armories, twelve thousand two hundred and seventy-seven dollars and sixteen cents.

**Militia officers.**

For militia bounty for field and staff officers, two thousand seven hundred dollars.

**Military accounts.**

For military accounts, four thousand five hundred and fifty-nine dollars and nineteen cents.

**Almshouses.**

For expenses of state almshouses, a sum not exceeding six thousand dollars.

**Payments, how made, &c.**

**SECTION 2.** All of the said payments shall be made from the ordinary revenue of the present year, excepting such,



amounting in the aggregate to one hundred and fifty-nine dollars and fifty cents, as, by law, are payable from other accounts.

SECTION 3. The provisions of the third and eighth sections of the act making appropriations for the maintenance of the government during the current year, shall apply to the appropriations contained in this act.

Subject to general appropriation act.

SECTION 4. This act shall take effect from and after its passage.

*Approved February 16, 1858.*

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT TO ESTABLISH THE STATE REFORM SCHOOL."

*Chap. 25.*

*Be it enacted, &c., as follows :*

The court or justice, authorized by the fourth section of the act to establish the state reform school, to sentence boys to the state reform school, shall ascertain as near as may be, and state in the mittimus, the ages of boys committed to said reform school.

Magistrate shall state in mittimus ages of boys committed.

*Approved February 19, 1858.*

AN ACT RELATING TO THE ESTATES OF DECEASED PAUPERS.

*Chap. 26.*

*Be it enacted, &c., as follows :*

SECTION 1. The provisions of the fifty-fourth chapter of the general laws of the Commonwealth, passed in the year one thousand eight hundred and thirty-seven, and all the rights and remedies thereby conferred on cities and towns as respects the personal property of deceased paupers, shall apply to the real estate and all other property of paupers; and in such case the city or town may sue to recover possession of any such real estate, and make conveyance of the same in due form of law.

Act of 1837, chap. 54, shall apply to real estate, &c.

SECTION 2. This act shall take effect from and after its passage.

*Approved February 19, 1858.*

AN ACT CONCERNING THE LYNN MUTUAL FIRE INSURANCE COMPANY.

*Chap. 27.*

*Be it enacted, &c., as follows :*

SECTION 1. The Lynn Mutual Fire Insurance Company, in the city of Lynn, is hereby authorized to file a notice of the acceptance of its charter, with the secretary of the Commonwealth, within thirty days from the passage of this act; and the filing of the same, shall have the same effect as if it had been filed agreeably to the requirements of the statutes of this Commonwealth, regulating the business of insurance companies.

Notice to be filed with secretary of the Commonwealth

SECTION 2. This act shall take effect from and after its passage.

*Approved February 19, 1858.*

**Chap. 28.** AN ACT TO INCORPORATE THE WARREN MUSEUM OF NATURAL HISTORY.  
*Be it enacted, &c., as follows :*

Corporators.	SECTION 1. Jonathan Mason Warren, James Sullivan Warren, Mary Collins Dwight and Emily Warren Appleton, all of Boston, in the county of Suffolk, are hereby made a
Name.	corporation by the name of the Warren Museum of Natural
Purpose.	History, for the purpose of continuing and maintaining the collection of fossils and other curiosities, made by John Collins Warren, late of said Boston, as a museum for public
Privileges, restrictions, &c.	profit and instruction ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.
Duration.	SECTION 2. Said corporation shall continue during the life of the survivors and survivor of the persons named in
Real and personal estate \$50,000.	the first section, and shall have power to hold real and personal estate, in addition to the collection of fossils and other curiosities, to the amount of fifty thousand dollars, to be devoted to the purposes aforesaid. <i>Approved February 19, 1858.</i>

**Chap. 29.** AN ACT TO INCORPORATE THE CHELSEA BEACH RAILROAD COMPANY.  
*Be it enacted, &c., as follows :*

Corporators.	SECTION 1. John F. Fenno, Henry W. Dale and John Fenno, their associates and successors, are hereby made a corporation by the name of the Chelsea Beach Railroad Company, with power to construct, maintain and use a
Power to construct railway.	railway, with convenient single or double tracks, beginning at the terminus of the Boston and Chelsea Railroad, upon
Location.	the Boston and Salem turnpike, at the line separating the city of Chelsea from the town of North Chelsea, and from thence over and upon said turnpike, and such other high-
Proviso.	ways in said town of North Chelsea, to that portion of said town known as " Chelsea Beach," as may, from time to time, be fixed and determined by the selectmen of said town, and assented to in writing by said company, which location and assent shall be filed with and recorded by the clerk of said town : <i>provided, however,</i> that no track shall be laid upon said turnpike until the written consent thereto of said turn-
May connect railway.	pike corporation shall have been first obtained. Said company may connect its railway with the railway of said Chelsea Railroad Company, in such manner, and upon such terms as may be mutually agreed upon in writing by said companies :
Proviso.	<i>provided, however,</i> that such connection shall be assented to by the mayor and aldermen of the city of Chelsea.
Notice to abutters.	Notice of the intended location of such railway shall be given by said selectmen to the owners or occupants of the

lands abutting on such turnpike and highways, fourteen days, at least, before the hearing, to show cause, if any they have, why such location should not be made.

SECTION 2. The tracks of said railway shall be laid at such distances from the sidewalks in said town, and the road shall be constructed and maintained in such form and manner, and upon such grade and with such gauge, as the selectmen may in their order fixing the route thereof, prescribe and direct; and whenever said company may desire to alter the grade of said turnpike or highways, so occupied by it, such alteration may be made at its sole expense: *provided*, the same shall be assented to by said selectmen, and also by said turnpike corporation, if such alterations are desired in said turnpike.

Tracks, how laid, &c.

SECTION 3. Nothing in this act shall be construed to prevent the town authorities of said town, or said turnpike corporation, from taking up any of the public streets traversed by said railway, for the purposes for which they may now lawfully take up the same.

Act not to prevent authorities, &c.

SECTION 4. Said railway shall be operated and used by said company, with horse-power only, and shall not connect with any other railway on which other power is used. Said selectmen may, at all times, make such regulations as to the rate of speed and mode of use of said tracks, as they may deem to be for the public safety and convenience; and they shall also have the power, at any time after the expiration of one year from the opening of said railway for use, upon any road on which the same may be located, under this act, to order that the whole or any part thereof shall be discontinued; and thereupon the location shall be deemed to be revoked as to such part, and the tracks of said railroad thereon, shall be forthwith removed in conformity with such order, at the expense of said company.

Horse-power only.

Rate of speed.

Location may be revoked.

SECTION 5. Said company is hereby authorized to purchase and hold such real estate, within said town, as may be necessary or convenient for the purposes and management of said road, and also to fix, from time to time, such rates of compensation for transporting persons or property as they may think expedient; and shall be entitled to all the rights and privileges, and subject to all the duties, restrictions and liabilities, prescribed in the forty-fourth chapter of the Revised Statutes, so far as the provisions of said chapter are applicable thereto, and all general laws which have been, or may hereafter be passed, relating to horse railroads.

May hold real estate.

Privileges, restrictions, &c.

SECTION 6. Said company shall not encumber any portion of said turnpike or highways, not occupied by its tracks, nor

Not to encumber highways, &c.

shall they cross with their railway any railroad at the same level or grade, or otherwise obstruct or alter any such railroad, and shall maintain and keep in repair such portion of said turnpike and highways, respectively, as shall be occupied by its tracks, and shall be liable for any loss or injury that any person may sustain by reason of any carelessness, neglect, or misconduct of its agents or servants in the construction, management, or use of said tracks or road ; and in case any recovery shall be had against said town or turnpike corporation by reason of such defect, want of repair, or use, said company shall be liable to pay to said town or turnpike corporation, respectively, any sum so recovered against them, or either of them, together with all cost, and reasonable expenditures incurred by said town or turnpike corporation, respectively, in the defence of any suit or suits in which such recovery shall be had.

Repairs.

Liability for injury.

Penalty for obstructing corporation.

Penalty of corporation obstructing.

Capital stock \$100,000, in shares of \$100.

North Chelsea may purchase franchise, &amp;c.

Act void, unless, &amp;c.

SECTION 7. Any person who shall wilfully and maliciously obstruct said company in the use of said road or tracks, or the passing of the cars of said company thereon, or shall aid or abet therein, shall be punished by a fine not exceeding five hundred dollars, or imprisonment in the common jail for a period not exceeding three months. If said company, or its agents or servants, shall wilfully and maliciously obstruct any highway, or the passing of carriages over the same, such company shall be punished by a fine not exceeding five hundred dollars.

SECTION 8. The capital stock of said company shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each ; and no shares shall be issued for a less sum, to be actually paid in on each, than the par value of the shares which shall first be issued.

SECTION 9. The town of North Chelsea may, at any time during the continuance of the charter of said company, and after the expiration of ten years from the opening of any part of said road for use, purchase of said company all its franchise, rights and property, by paying to said company therefor, such a sum as will reimburse to each person who may then be a stockholder therein, the par value of his stock, together with a net profit of ten per cent. per annum, from the time of the transfer of said stock to him on the books of the corporation, deducting the dividends received by said stockholder thereon.

SECTION 10. This act shall be void so far as relates to the right to construct said road in said town, unless the same shall be accepted by the inhabitants of North Chelsea, at a legal town meeting, and unless the same shall be accepted

by said company, and ten per cent. of the capital thereof paid in within one year from the passage of this act.

SECTION 11. The existence of this corporation is hereby limited to the period of fifty years from the passage hereof: *provided, nevertheless*, that the legislature may at any time repeal this act, or limit, restrict, or annul any powers herein granted. Duration.  
Proviso.

SECTION 12. This act shall take effect from and after its passage.

*Approved February 24, 1858.*

AN ACT CONCERNING THE SOUTH DANVERS MUTUAL INSURANCE COMPANY.

*Chap. 30.*

*Be it enacted, &c., as follows :*

SECTION 1. The South Danvers Mutual Fire Insurance Company, in the town of South Danvers, is hereby authorized to file a notice of the acceptance of its charter, with the secretary of the Commonwealth, within thirty days of the passage of this act; and the filing of the same shall have the same effect as if it had been filed agreeably to the requirements of the statutes of this Commonwealth, regulating the business of insurance companies.

Notice to be filed with secretary of Commonwealth.

SECTION 2. This act shall take effect from and after its passage.

*Approved February 24, 1858.*

AN ACT RELATING TO COSTS OF CORONERS' AND FIRE INQUESTS.

*Chap. 31.*

*Be it enacted, &c., as follows :*

SECTION 1. It shall be the duty of coroners holding inquests under the laws of this Commonwealth, and of justices of the peace holding fire inquests under the provisions of the four hundred and twenty-fourth chapter of the acts of the year eighteen hundred and fifty-four, to return an account of the expenses of such inquests, including their own fees, to the county commissioners of the county within which said inquests shall be held, when said inquests are not held within the county of Suffolk, and to the auditor of the city of Boston, when such inquests are held within the county of Suffolk; and said county commissioners and auditor shall thereupon audit said accounts, and certify to the treasurer of the Commonwealth, or to the treasurer of the county within which said inquests shall be held, as the case may demand, the fees and expenses by said commissioners and auditor deemed just and reasonable; and said treasurers shall thereupon pay to the persons entitled to receive the same, the amounts so certified to them; and no sums shall be paid for expenses of fire or coroners' inquests, except in accordance with the provisions of this act.

Coroners and justices to return expenses of fire inquests to county commissioners, except in Suffolk they shall be made to auditor of city of Boston.

Acc'ts to be audited by said commissioners and auditor, and by them certified to treasurer of Commonwealth or county.

Repeal.

SECTION 2. So much of the eleventh section of the one hundred and forty-first chapter of the Revised Statutes, as provides that all the expenses of the inquisition upon the dead body of a stranger, shall be paid to the coroner, and all other acts and parts of acts inconsistent herewith, are hereby repealed.

*Approved February 25, 1858.*

## Chap. 32.

AN ACT CONCERNING THE RECORDS OF COURTS OF INSOLVENCY.

*Be it enacted, &c., as follows :*

Proceedings to be filed but not recorded.

SECTION 1. The proceedings in all cases in courts of insolvency shall be deemed matters of record ; but the same shall not be required to be recorded at large, but shall be carefully filed, kept and numbered in the offices of the registers of insolvency respectively, and dockets only, or short memoranda thereof, with the numbers, shall be kept in books by the said registers : *provided*, that the assignment and certificate of discharge, shall be recorded in full.

Proviso.

SECTION 2. This act shall apply to all cases in insolvency, the records whereof are not actually completed.

Repeal.

SECTION 3. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

SECTION 4. This act shall take effect from and after its passage.

*Approved February 27, 1858.*

## Chap. 33.

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT RELATING TO THE DESCENT AND DISTRIBUTION OF ESTATES OF INTESTATES."

*Be it enacted, &c., as follows :*

Estate of widow to be assigned same as dower.

In all cases where a widow is entitled to any estate under the provisions of the four hundred and sixth chapter of the acts of the year eighteen hundred and fifty four, said estate may be assigned to her in the same manner as dower may now be assigned by the provisions of the sixtieth chapter of the Revised Statutes.

*Approved February 27, 1858.*

## Chap. 34.

AN ACT TO AMEND THE TWO HUNDRED AND SIXTH CHAPTER OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND FIFTY-ONE, TO PROVIDE FURTHER REMEDY FOR CREDITORS.

*Be it enacted, &c., as follows :*

Act of 1851 amended.

The first section of the two hundred and sixth chapter of the acts of the year eighteen hundred and fifty-one, is hereby amended, by striking out therefrom the words "not residing in this Commonwealth."

*Approved February 27, 1858.*

## Chap. 35.

AN ACT TO INCORPORATE THE EUROPEAN WHARF COMPANY, IN BOSTON.

*Be it enacted, &c., as follows :*

Corporators.

SECTION 1. Albert Thorndike, Ephraim A. Hall, John H. Welles, their associates and successors, are hereby made

a corporation, by the name of the European Wharf Company, with power to purchase and hold in fee simple, or otherwise, any part, or the whole of the real estate, with all the privileges and appurtenances to the same belonging, southerly of Lewis Street, south-westerly of Marginal Street, and northerly of estate now or formerly of Edwards, Holman and Company, in East Boston; and said corporation may construct docks and wharves, and lay vessels within and at the sides and ends thereof, and receive wharfage and dockage therefor; erect buildings, lay out streets and passage-ways, and improve and manage said property in such manner as to them shall seem expedient, and may sell and convey the same, or any part thereof, and may contract with railroad corporations relative to depot accommodations on the premises, and to the use of their roads for transportation of passengers and merchandise: *provided*, that nothing herein contained shall authorize said corporation to infringe upon the legal rights of any person, or to build any wharf or other structure on the premises not authorized by law.

Name.

Power.

May construct wharves, &amp;c.

Proviso.

SECTION 2. No shares in the capital stock of said corporation, shall be issued for a less sum or amount, to be actually paid in, than the par value of the shares first issued.

Shares not to be issued less than par value.

SECTION 3. Said corporation may, at any legal meeting, agree upon the number of shares, not exceeding ten thousand, into which their capital stock shall be divided, which shares shall be transferable in a book to be kept by the clerk of the corporation for that purpose; and may from time to time assess upon the stockholders such sums of money, not exceeding in the whole one hundred dollars on each share, as may be necessary for the purchase, improvements and management of their estate; and may, in case any stockholder shall neglect to pay any such assessments, cause such of the shares of each stockholder as may be sufficient therefor, to be sold in such manner as said corporation by their by-laws may determine.

Shares not to exceed 10,000.

Assessment of shares.

Penalty.

SECTION 4. Said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, contained in the forty-fourth chapter of the Revised Statutes, or any other law of this Commonwealth, which applies to similar corporations.

Privileges, restrictions, &amp;c.

SECTION 5. This act shall take effect from and after its passage.

*Approved February 27, 1858.*



**Chap. 36. AN ACT TO INCORPORATE THE CHURCH HOME FOR ORPHAN AND DESTITUTE CHILDREN.***Be it enacted &c., as follows :***Corporators.**

That Manton Eastburn, Alexander H. Vinton, Charles Mason, George M. Randall, John Codman, John Jeffries Junior, William R. Lawrence, John B. Alley, J. Nelson Borland, Otis Daniell, Robert M. Mason, Foster Waterman, Nathan Matthews, and their associates and successors, be,

**Name.**

and hereby are, incorporated under the name of the Church Home for Orphan and Destitute Children, in

**Purpose.**

Boston ; for the purpose of providing for such children a home, education, and moral, and religious training, in

**Privileges, restrictions, &c.**

accordance with the usages of the Protestant Episcopal Church : and said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised

**Real and personal estate \$200,000.**

Statutes : and for the purposes aforesaid the said corporation shall be and is hereby authorized to hold real estate to the amount of fifty thousand dollars, and personal estate to the amount of one hundred and fifty thousand dollars ; with full power to manage, convey and change the investment of the same, from time to time, as to said corporation may seem necessary to secure the purposes aforesaid.

*Approved March 1, 1858.***Chap. 37.****AN ACT CONCERNING JAILS IN MIDDLESEX COUNTY.***Be it enacted, &c., as follows :***New Jail, Lowell, established.**

SECTION 1. The county commissioners for the county of Middlesex, are hereby authorized to establish the new jail, lately erected by them on a lot of land on Thorndike Street, in Lowell, in said county, as one of the jails for the use of said county.

**Old Jail discontinued.**

SECTION 2. Said commissioners are also authorized to discontinue the old jail, situated on a lot of land on Dutton Street, in said Lowell.

SECTION 3. This act shall take effect from and after its passage.

*Approved March 4, 1858.***Chap. 38. AN ACT IN ADDITION TO "AN ACT TO INCORPORATE THE WEST ROXBURY RAILROAD COMPANY."***Be it enacted, &c., as follows :***Location.**

SECTION 1. The West Roxbury Railroad Company is hereby authorized to extend its railway from the line separating the town of West Roxbury and the city of Roxbury, on Center Street, through and over Center Street, in the city of Roxbury, to the southerly end of Lowell Street at its

junction with Heath Street, in said Roxbury, and there connect with the railway of the Metropolitan Railroad Company: *provided, however*, that such location and connection shall be assented to by the city council of said city of Roxbury. In case of any disagreement as to the mode of connection or the manner, time, or extent of the use of said railways respectively, or the compensation to be paid therefor, the same shall be adjusted and determined by three commissioners to be appointed by the supreme judicial court, upon the petition of either party, and upon notice to the other party, and the award of such commissioners shall be binding until revised by other commissioners to be appointed as aforesaid; but no such revision shall be made within one year after such award, unless the court shall otherwise order. The compensation of such commissioners shall be paid by said companies in equal shares.

Proviso.

If unable to agree, supreme court to appoint commissioners.

Compensation.

SECTION 2. The tracks of said railway shall be laid at such distances from the sidewalks in said city, and the road shall be constructed and maintained in such form and manner, and upon such grade, and with such gauge, as the mayor and aldermen of said city may prescribe and direct; and whenever said company may desire to alter the grade of said streets, so occupied by it, such alteration may be made at its sole expense: *provided*, the same shall be assented to by said mayor and aldermen.

Tracks, how to be laid.

Grade and gauge.

Proviso.

SECTION 3. Nothing in this act shall be construed to prevent the authorities of said city from taking up any of the public streets traversed by said railway, for the purposes for which they may now lawfully take up the same.

Act not to prevent authorities, &c.

SECTION 4. Said railway shall be operated and used by said company, with horse-power only, and shall not connect with any other railway on which other power is used. The mayor and aldermen of said city may, at all times, make such regulations as to the rate of speed, and mode of use of the tracks, as they may deem to be for the public safety and convenience; and they shall also have the power, at any time after the expiration of one year from the opening of said railway for use, upon any street on which the same may be located under this act, to order that the whole or any part thereof shall be discontinued, and thereupon the location shall be deemed to be revoked as to such part; and the tracks of said railway thereon shall be forthwith removed in conformity with such order at the expense of said company.

Horse-power only.

Powers conferred, &c.

SECTION 5. Said company is hereby authorized to purchase and hold such real and personal estate, within said

Real and personal estate.

**Rates of fare.** city, as may be necessary or convenient for the purposes and management of said road, and also to fix, from time to time, such rates of compensation for transporting persons or property, as they may think expedient; and shall be entitled to all the rights and privileges, and subject to all the duties, restrictions and liabilities, prescribed in the forty-fourth chapter of the Revised Statutes, so far as the provisions of said chapter are applicable thereto, and all general laws which have been, or may hereafter be passed, relating to horse railroads.

**Repairs, &c.** SECTION 6. Said company shall maintain and keep in repair such portion of said streets as shall be occupied by its tracks, and shall not encumber any other portions thereof, and shall be liable for any loss or injury that any person may sustain by reason of any carelessness, neglect, or misconduct of its agents or servants in the construction, management, or use of said railway; and in case any recovery shall be had against said city by reason of such defect, want of repair, or use, said company shall be liable to pay to said city any sum so recovered against it, together with all cost and reasonable expenditures incurred in the defence of any suit or suits in which such recovery shall be had.

**Penalty for obstructing, &c.** SECTION 7. Any person who shall wilfully and maliciously obstruct said company in the use of said railway, or the passing of the cars of said company thereon, or shall aid or abet therein, shall be punished by a fine not exceeding five hundred dollars, or imprisonment in the common jail for a period not exceeding three months. If said company or its agents or servants shall wilfully and maliciously obstruct any highway, or the passing of carriages over the same, such company shall be punished by a fine not exceeding five hundred dollars.

**Roxbury and West Roxbury may purchase franchise, &c.** SECTION 8. The city of Roxbury and the town of West Roxbury may at any time during the continuance of the charter of said company, and after the expiration of ten years from the opening of any part of said railway within said city of Roxbury for use, purchase of said company all its franchise, rights and property, by paying to said company therefor, such a sum as will reimburse to each person who may then be a stockholder therein, the par value of his stock, together with a net profit of ten per cent. per annum from the time of the transfer of said stock to him on the books of the corporation, deducting the dividends received by said stockholder thereon.

**May lease or sell to Metropolitan Co.** SECTION 9. The West Roxbury Railroad Company is hereby authorized to lease or sell its franchise, rights and

property, to the Metropolitan Railroad Company in accordance with the agreements made by said companies, dated respectively September third, and October twenty-ninth in the year eighteen hundred and fifty-seven, which agreements are hereby confirmed and assented to, and may be carried into effect by said companies accordingly.

SECTION 10. All acts and parts of acts inconsistent herewith, are hereby repealed. And any authority heretofore given to the West Roxbury Railroad Company to lay a track or tracks in the city of Roxbury, except as herein provided, or to lay a track or tracks in any street in the city of Boston, or to connect the track of the company with the track of the Metropolitan Railroad Company at any point, or in any manner, except as herein provided, is hereby revoked. Repeal, &c.

SECTION 11. This act shall be void, unless assented to by the city council of the city of Roxbury, and the selectmen of the town of West Roxbury. Act void unless, &c.

SECTION 12. This act shall take effect from and after its passage.

*Approved March 5, 1858.*

AN ACT IN ADDITION TO "AN ACT MAKING APPROPRIATIONS TO PAY CERTAIN EXPENSES OF THE YEAR ONE THOUSAND EIGHT HUNDRED AND FIFTY-SEVEN."

*Chap. 39.*

*Be it enacted, &c., as follows:*

SECTION 1. The appropriations contained in chapter twenty-four of the acts of the present year, may be applied to pay any expenses for the objects therein mentioned, incurred prior to the year one thousand eight hundred and fifty-seven, as well as for such as were incurred during that year. Appropriations in ch. 24, to apply retrospectively.

SECTION 2. This act shall take effect from and after its passage.

*Approved March 6, 1858.*

AN ACT RELATING TO THE TRUSTEE PROCESS.

*Chap. 40.*

*Be it enacted, &c., as follows:*

Any dividend due from an assignee of an insolvent debtor, may, after the dividend has been declared, be attached in such assignee's hands, by the trustee process: *provided*, said dividend is not upon a claim for wages, which would not have been attachable in the hands of the original debtor. Dividend in hands of assignee may be attached, &c. Proviso.

*Approved March 8, 1858.*

**Chap. 41.** AN ACT TO CONTINUE THE CHARTER OF THE EQUITABLE SAFETY INSURANCE COMPANY.

*Be it enacted, &c., as follows :*

Act continued.

Duration.

Privileges, restrictions, &c.

Reserved profits, how divided.

Profits may remain with company 20 years, &c.

Profits to be permanent fund.

Profits not to be withdrawn except, &c.

Proviso.

**SECTION 1.** The Equitable Safety Insurance Company is hereby continued a corporation for the period of twenty years, from and after the expiration of the period originally limited in its act of incorporation ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and all other general laws that are now or may hereafter be in force relative to insurance companies.

**SECTION 2.** The reserved profits which shall be held by said company at the time of the expiration of its present charter, shall be divided among the respective persons and corporations thereto respectively entitled at the time of such expiration.

**SECTION 3.** It shall be lawful for the said company to agree with any of such persons or corporations, to allow and permit the whole, or any part of such profits, accruing to them respectively, to remain with said company during the period for which the corporation is hereby continued, and to permit such persons or corporations to receive such portion of the future profits of the business of said company, as shall be deemed just and equitable.

**SECTION 4.** Any of the reserved profits aforesaid, which shall be continued with said company as aforesaid, shall, to the extent thereof, be deemed and taken to be a permanent fund in lieu and stead of the subscription notes provided to be given in and by the eighteenth and succeeding sections of the two hundred and fifty-second chapter of the statutes of the year eighteen hundred and fifty-six.

**SECTION 5.** No part of the future profits of the business of the said insurance company, and no part of the said reserved profits which shall be permitted to remain with the said company, as aforesaid, shall be withdrawn from the said company except for the payment of losses and expenses ; except that the said company may, from time to time, pay to the parties respectively entitled thereto, such sums as shall be received or realized from the investment of such profits ; and said company may, from time to time, pay off such reserved profits so left with them as aforesaid, and such portion of their future profits, as the persons or corporations entitled to such reserved profits shall be allowed to receive pursuant to the provisions of the third section of this act : *provided*, such payment shall leave net earned profits with said company, as a permanent fund, to the amount of not less than two hundred thousand dollars.

*Approved March 8, 1858.*

AN ACT CEDING JURISDICTION TO THE UNITED STATES OVER CERTAIN LANDS AND THEIR APPURTENANCES FOR A LIGHT-KEEPER'S HOUSE, WAREHOUSES AND LANDINGS, IN THE TOWN OF COHASSET. Chap. 42.

*Be it enacted, &c., as follows :*

SECTION 1. That the jurisdiction of such tract of land, and its appurtenances and water-privileges, which the United States of America may purchase, within the town of Cohasset, for the purpose of erecting and establishing a light-keeper's house, warehouse and wharf, and other structures, as a shore establishment for the convenience of Minot's Ledge Light, be and is hereby ceded to the United States of America: *provided, always*, that this Commonwealth shall retain concurrent jurisdiction with the United States, so far that all civil and criminal processes, issued under the authority of this Commonwealth, or any officer thereof, may be executed within the limits of said site; in the same manner as if jurisdiction had not been ceded as aforesaid. Jurisdiction ceded.

SECTION 2. This act shall take effect from and after its passage. Proviso.

*Approved March 8, 1858.*

AN ACT RELATING TO THE EXEMPTION OF THE PROPERTY OF WIDOWS AND UNMARRIED FEMALES FROM TAXATION. Chap. 43.

*Be it enacted, &c., as follows :*

SECTION 1. The property of any widow or unmarried female, or of any female minor whose father is deceased, to the amount of five hundred dollars, shall be exempted from taxation: *provided*, that the whole estate, real or personal, of such person whose property is so exempted from taxation, does not exceed in value the sum of one thousand dollars, exclusive of property exempted from taxation by existing laws. Property amount of \$500 to exempted.

SECTION 2. Chapter three hundred and fifty-five of the acts of eighteen hundred and fifty-three is hereby repealed. Proviso.

*Approved March 8, 1858.*

AN ACT TO AMEND THE FORTY-SEVENTH CHAPTER OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND FIFTY-SIX, RESPECTING NATURALIZATION. Chap. 44.

*Be it enacted, &c., as follows :*

The first section of the forty-seventh chapter of the acts of eighteen hundred and fifty-six, is hereby amended, by striking out therefrom the words "when held for the transaction of civil business," and by inserting therein the words "and the municipal court of the city of Boston." Act of 1856 amended.

*Approved March 8, 1858.*

**Chap. 45.** AN ACT RELATING TO POLICE COURTS AND JUSTICES OF THE PEACE.  
*Be it enacted, &c., as follows :*

**Jurisdiction of police courts.** SECTION 1. The several police courts of this Commonwealth shall have concurrent jurisdiction, in the several counties where they are established, with the court of common pleas and the municipal court of the city of Boston, of all offences, which may be subject to the penalties of either a fine not exceeding one hundred dollars, or imprisonment in the county jail or house of correction not exceeding one year, or to both of said penalties.

**Jurisdiction of justices of the peace.** SECTION 2. The several justices of the peace, authorized to hear and determine criminal cases, shall, within their several counties, have jurisdiction of all offences which may be subject to the penalties of either a fine not exceeding fifty dollars, or imprisonment in the county jail or house of correction not exceeding six months, or to both of said penalties.

**Not to affect right of appeal.** SECTION 3. Nothing contained in this act shall affect the right of appeal of any party from any conviction or judgment rendered by said police courts or justices of the peace, in any complaint or proceeding authorized by this act.

**Repeal.** SECTION 4. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed ; but nothing contained in this act shall affect any complaint or prosecution pending at the time this act shall take effect, or authorize justices of the peace to exercise jurisdiction of offences committed within any city or town, wherein a police court is established.

*Approved March 10, 1858.*

**Chap. 46.** AN ACT IN ADDITION TO "AN ACT IN RELATION TO PUBLIC REPORTS AND DOCUMENTS."

*Be it enacted, &c., as follows :*

**Application of act of '57 and of this act defined.** SECTION 1. The provisions of chapter forty of the acts of the year one thousand eight hundred and fifty-seven, and of this act, shall apply to reports which, previous to the passage of said chapter forty, were made to the secretary of the Commonwealth, as well as to the reports therein mentioned, with the exception of the returns relating to the registration of births, marriages and deaths, which shall be made at the times and in the manner otherwise provided by law.

**Annual statements of secretary, &c., excepted.** SECTION 2. The annual statements of the expenses of the offices of the secretary, treasurer, auditor and adjutant-general, shall be excepted from the provisions of the first section of chapter forty of the acts of the year one thousand eight hundred and fifty-seven, and shall not be included in the series of public documents.

**Auditor's report.** SECTION 3. The annual reports of the auditor of accounts

and of the boards of education and agriculture, and any others which the two houses of the general court may direct by concurrent order, shall be included in the "public" series of documents. The expense of printing the report of the board of education, shall be defrayed as heretofore, from the moiety of the income of the school fund applicable to educational purposes.

Educational and agricultural reports.

SECTION 4. The number of copies printed, of each of the documents of the public series, shall be one thousand six hundred and fifty: *provided*, that in the case of any particular document of which a larger number may be required, to subserve the public interests, the secretary, by special order, may direct additional copies, not to exceed one thousand in number, to be printed; and he shall include in the annual statement of the expenses of his office, a list of the documents of which he has thus ordered the printing of more than the usual number of copies.

Number printed.

Proviso.

SECTION 5. Not more than three hundred copies of any public document shall be placed by the secretary at the disposal of the public officer, board, or institution whose report it is; and all acts or parts of acts or resolves, authorizing a larger number to be thus bestowed, are hereby repealed.

Number at disposal of public officer, &c., making report.

SECTION 6. The fourth and fifth sections of this act shall not apply to the reports of the boards of education and agriculture. Eight thousand copies of the report of the board of education, and ten thousand copies of the report of the board of agriculture shall be printed, of which twelve hundred copies shall be delivered to the secretary of the Commonwealth, and the remainder shall be distributed in such manner as may be directed by the boards of education and of agriculture respectively. The thirty-third chapter of the resolves of the year one thousand eight hundred and fifty-six is hereby repealed.

Number of reports of boards of education and agriculture to be printed.

Repeal.

SECTION 7. Any act or resolve, passed previous to the enactment of chapter forty of the acts of the year one thousand eight hundred and fifty-seven, which may have authorized the furnishing to any person, library, association or corporation, of the documents printed by order of the legislature, shall be construed to apply only to the "public" series of documents described in said chapter forty, and in this act; and such previous act or resolve shall not apply to the documents printed during the present or subsequent years, under the direct order of either or both branches of the legislature, but such documents shall be distributed only

Act, how construed.



as may be prescribed by the two branches in their rules and orders.

Abstract of railroad returns to be included.

SECTION 8. The annual reports which are received from the railroad corporations shall not be included in the bound volumes of public documents; but only the abstract thereof, prepared by the secretary of the Commonwealth, shall be included in said bound volumes. The annual reports of the railroad corporations shall be filed in separate complete sets, and a complete set, thus filed, shall be furnished to each member of the general court, not later than ten days after the beginning of the session.

Reports of railroads to be filed, &c.

Penalty.

SECTION 9. Any public functionary who shall wilfully neglect any of the requirements of chapter forty of the acts of the year one thousand eight hundred and fifty-seven, or of this act, shall be liable to a penalty of ten dollars for each day that such neglect shall continue.

Sets furnished towns to contain index, declaration independence, &c.

SECTION 10. The public series of documents, which includes the reports last made, when bound for the use of the towns and cities, as is provided in section nine of chapter forty of the acts of the year one thousand eight hundred and fifty-seven, shall be provided with a title page bearing the date of the present year, and with a brief index to the titles of the several documents; and the secretary shall likewise prefix the declaration of independence, the constitution of the United States, and the constitution of the Commonwealth of Massachusetts; and all subsequent volumes shall be prepared from year to year, hereafter, in similar manner.

Repeal.

SECTION 11. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

SECTION 12. This act shall take effect from and after its passage.

*Approved March 12, 1858.*

## Chap. 47.

### AN ACT IN RELATION TO ALIMONY.

*Be it enacted, &c., as follows:*

Alimony powers of S. J. Court.

SECTION 1. The supreme judicial court shall have the same powers for the enforcement of decrees of alimony in divorce, or decrees of allowance in the nature of alimony, or of alimony or other allowance pending suits for divorce, as it has for the enforcement of judgments or decrees in equity; and this enactment shall apply to decrees heretofore, as well as to those hereafter made.

SECTION 2. This act shall take effect from and after its passage.

*Approved March 12, 1858.*

AN ACT CONCERNING INVESTMENTS OF SAVINGS BANKS AND MUTUAL INSURANCE COMPANIES. *Chap. 48.*

*Be it enacted, &c., as follows :*

Members of committees and officers of savings banks, and mutual marine, mutual fire and mutual life insurance companies, charged with the duty of investing the funds of their respective institutions, shall not be allowed to borrow the same, nor to be sureties for such loans to others, nor in any manner whatsoever, directly or indirectly, be obligors for moneys borrowed of, or loaned by, their respective institutions.

Officers of savings banks and insurance companies not to borrow funds of company or be sureties for loans, &c.

*Approved March 12, 1858.*

AN ACT IN RELATION TO RETURNS BY AGENTS OF FOREIGN INSURANCE COMPANIES. *Chap. 49.*

*Be it enacted, &c., as follows :*

SECTION 1. Every agent of a foreign insurance company, neglecting to make the returns required by the two hundred and fifty-second chapter of the acts of the year one thousand eight hundred and fifty-six, shall forfeit to the use of the Commonwealth, to be recovered by the treasurer thereof, twenty-five dollars for each neglect; and every agent so neglecting, shall be immediately notified thereof by the treasurer of the Commonwealth; and if said agent shall continue said neglect for ten days after such notice shall have been deposited in the post office, he shall forfeit to the use of the Commonwealth, to be recovered by the treasurer thereof, five hundred dollars for every such neglect: *provided, however*, that no agent shall be held liable to the penalty of twenty-five dollars, imposed in this section, if it shall be made to appear, to the satisfaction of the treasurer of the Commonwealth, that the returns required by the said two hundred and fifty-second chapter were duly made and deposited by said agent, in the post office, properly directed to the insurance commissioners of the Commonwealth, and that there was no neglect on the part of said agent.

Penalty for neglect of agents of foreign insurance companies to make returns &c.

*Proviso.*

SECTION 2. The fifty-second section of said two hundred and fifty-second chapter of the acts of the year one thousand eight hundred and fifty-six, is hereby repealed: *provided, however*, that this repeal shall not prevent nor affect the recovery of any penalty or forfeiture that has heretofore been incurred thereunder, unless the person who has incurred the same shall, within thirty days after the passage of this act, pay to the treasurer of the Commonwealth, the sum of twenty-five dollars, the penalty imposed by this act, and shall also make it appear to the satisfaction of the treasurer of the Commonwealth, that the neglect, by which such pen

*Repeal.*

*Proviso.*

alty or forfeiture was incurred, was occasioned by inadvertence, and not by the wilful default of such person.

SECTION 3. This act shall take effect from and after its passage.

*Approved March 12, 1858.*

**Chap. 50. AN ACT TO INCORPORATE THE PEMBERTON MANUFACTURING COMPANY.**

*Be it enacted, &c., as follows :*

Corporators.

Name.

Purpose.

Location.

Privileges, restrictions, &c.

Real estate,  
\$250,000.

Whole capital,  
\$700,000.

SECTION 1. George Howe, David Nevins, George D. Howe, and their associates, successors and assigns, are hereby made a corporation, by the name of the Pemberton Manufacturing Company ; for the purpose of manufacturing cotton, woolen, linen and silk cloth and yarn, in the city of Lawrence, in the county of Essex ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, and the two hundred and seventy-sixth chapter of the acts of the year one thousand eight hundred and fifty-seven.

SECTION 2. The said corporation may hold for the purposes aforesaid, real estate to the amount of two hundred and fifty thousand dollars, and the whole capital stock of said corporation shall not exceed seven hundred thousand dollars ; and no shares of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

*Approved March 15, 1858.*

**Chap. 51. AN ACT TO INCORPORATE THE RUMFORD INSTITUTE, IN WALTHAM.**

*Be it enacted, &c., as follows :*

Corporators.

Name.

Location.

Purpose.

Privileges, restrictions, &c.

Real and personal  
estate \$75,000.

Donations, &c.,  
to inure to institution.

SECTION 1. F. M. Stone, Eben. Hobbs, Josiah Rutter, Horatio Adams, Isaac Parker, their associates and successors, are hereby made a corporation by the name of Rumford Institute ; to be established in the town of Waltham, county of Middlesex, for the purpose of maintaining a library, advancing useful arts and sciences and promoting public instruction, by lectures, discussions or otherwise ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes : and said corporation may hold real and personal estate to the value of seventy-five thousand dollars, to be devoted to the before-named purposes.

SECTION 2. All donations, devises and bequests, of real or personal estate, which heretofore may have been or hereafter may be made, to the Rumford Institute, or to the curators or board of managers thereof, shall inure to the

use and benefit of the corporation hereby created, to be appropriated, however, to the purposes designated in any such donation, devise or bequest.

SECTION 3. This act shall take effect from and after its passage.

*Approved March 15, 1858.*

AN ACT REGULATING THE SEINING OF MENHADEN IN THE RIVERS OF THE COMMONWEALTH. *Chap. 52.*

*Be it enacted, &c., as follows :*

SECTION 1. The mayor and aldermen of any city, or the selectmen of any town, situated upon, or adjacent to any river in which the seining of fish is now, or may hereafter by law be prohibited, may, upon the petition of twelve or more legal voters, and after due notice and hearing thereon, grant permission to such persons, upon such condition and with such restrictions as they may see fit, to seine menhaden therein, if, in their judgment, the same is consistent with the public good: *provided, however,* that in all cases where two or more cities or towns are situated upon said waters and interested in said fishery, no action shall be had except upon petition to each of them, and by their concurrent vote.

City and town authorities, upon petition, may, in their discretion, grant permits to seine menhaden.

*Proviso.*

SECTION 2. If any person, so licensed, shall exceed in any manner the terms of said permission, or violate any of the conditions thereof, he shall be subject to the same penalties as would attach to seining without such license.

Penalty in case, &c.

SECTION 3. Said license may be altered or revoked at any time, by the concurrent action of the municipal authorities granting the same.

License may be revoked.

*Approved March 15, 1858.*

AN ACT CEDING JURISDICTION OVER CERTAIN LANDS ON POINT OF ROCKS, IN WESTPORT, TO THE UNITED STATES. *Chap. 53.*

*Be it enacted, &c., as follows :*

SECTION 1. Jurisdiction is hereby ceded and granted to the United States of America, over such lot of land, not exceeding three acres, as may be selected for the construction of a light-house and keeper's dwelling, on Point of Rocks, so called, at the entrance of Westport Harbor, in this Commonwealth: *provided,* that this Commonwealth shall retain concurrent jurisdiction with the United States in and over said lot of land, so far, that all civil and criminal processes, issued under the authority of this Commonwealth, or of any officer thereof, may be executed on any part of said lot of land, or in any building which may be erected thereon, in the same way and manner as if jurisdiction had not been granted as aforesaid.

Jurisdiction ceded.

*Proviso.*

SECTION 2. This act shall take effect whenever, within

one year after the purchase of said land, a suitable plan thereof shall be filed by the United States, in the office of the secretary of the Commonwealth.

*Approved March 15, 1858.*

**Chap. 54.** AN ACT TO AMEND THE THIRTY-FIRST SECTION OF THE TWO HUNDRED AND EIGHTY-FOURTH CHAPTER OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND FIFTY-SIX.

*Be it enacted, &c., as follows :*

Act of 1856  
amended.

SECTION 1. So much of the thirty-first section of the two hundred and eighty-fourth chapter of the acts of the year eighteen hundred and fifty-six, as provides that the discharge of an insolvent debtor shall not be granted or valid, unless the debtor shall satisfy the court that he had reasonable cause to believe himself solvent within six months next preceding the filing of the petition by or against him, is hereby repealed.

SECTION 2. This act shall take effect from and after its passage.

*Approved March 17, 1858.*

**Chap. 55.** AN ACT TO AMEND THE FOUR HUNDRED AND THIRTY-FIRST CHAPTER OF THE ACTS OF EIGHTEEN HUNDRED AND FIFTY-FIVE, RELATING TO LIENS OF MECHANICS AND OTHERS.

*Be it enacted, &c., as follows :*

Act of 1855  
amended.

SECTION 1. The second section of the four hundred and thirty-first chapter of the acts of the year eighteen hundred and fifty-five, is hereby amended by adding thereto the words following, to wit: "and unless a suit for enforcing such lien shall be commenced within ninety days after the person who may desire to avail himself thereof, shall cease to labor on or furnish materials for such building or structure."

Act not to affect.  
Proviso.

SECTION 2. This act shall not affect any suit now pending, nor any such lien now existing: *provided*, that no suit for enforcing such existing lien shall be commenced after ninety days from the passage of this act.

*Approved March 17, 1858.*

**Chap. 56.** AN ACT RELATING TO DOWER.

*Be it enacted, &c., as follows :*

Limitation of  
claim for dower.

SECTION 1. No person who now is or may hereafter become a widow, shall be entitled to make any claim for dower, or to commence any action or other proceeding for the recovery thereof, unless such claim be made, or such action or proceeding be commenced within twenty years from the time when the decease of her husband shall have taken place: *provided, however*, that nothing in this act contained shall prevent any widow from claiming her dower, or com-

Proviso.

mencing action or other proceeding for the recovery of the same, within five years from the passage hereof, whatever length of time may have elapsed since her husband's decease; and *provided, further*, that if, at the time of the husband's decease, his widow was or shall be absent from the Commonwealth, or under twenty-one years of age, or insane, or imprisoned, such widow may make her claim for dower, or commence action or proceeding for the recovery thereof, at any time within twenty years after such disability shall have ceased.

SECTION 2. This act shall take effect from and after its passage.

*Approved March 18, 1858.*

AN ACT CONCERNING THE CARE OF INFANT CHILDREN OF FEMALE CONVICTS. *Chap. 57.*

*Be it enacted, &c., as follows:*

SECTION 1. Whenever the mother of any child under the age of eighteen months shall be imprisoned in any house of correction, jail, work-house, or any other place of confinement in this Commonwealth, if she be capable and desirous of taking care of said child, the keeper of said place of imprisonment shall, upon the order of the committing court or magistrate, or of any overseer of the poor, receive said child and place the same under the care and custody of the said mother.

Female convicts may have custody of their children.

SECTION 2. Whenever the board of overseers, inspectors, or other like officers of any such institution, are satisfied that the health and comfort of such child call for its removal, or that for any cause it is expedient that such child should be removed, they shall give notice to the father or other relatives thereof, if either can be found; and if neither can be found to receive such child, the overseers of the poor of the town in which such child has a legal settlement shall receive the same; or if the said child has no legal settlement in this Commonwealth, it shall be sent to one of the state almshouses, as by law provided in the case of alien paupers.

Provision for removal of children.

*Approved March 18, 1858.*

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE ASSOCIATION FOR THE RELIEF OF AGED INDIGENT FEMALES. *Chap. 58.*

*Be it enacted, &c., as follows:*

The association for the relief of Aged Indigent Females may take and hold real and personal estate, to an amount not exceeding one hundred and fifty thousand dollars, in addition to the amount which they are now allowed to take

Additional real and personal estate \$150,000.

and hold under their act of incorporation, approved April thirtieth, eighteen hundred and forty-nine.

*Approved March 18, 1858.*

**Chap. 59.** AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE SAINT VINCENT'S ORPHAN ASYLUM.

*Be it enacted, &c., as follows :*

Additional real  
and personal es-  
tate \$150,000.

SECTION 1. The Saint Vincent's Orphan Asylum is hereby authorized to take and hold real and personal estate, for the purposes of its incorporation, to an amount not exceeding one hundred and fifty thousand dollars, in addition to the amount which the said corporation is now authorized to take and hold.

SECTION 2. This act shall take effect from and after its passage.

*Approved March 18, 1858.*

**Chap. 60.**

Preamble.

AN ACT TO INCORPORATE THE MIDLAND RAILROAD COMPANY.

WHEREAS, the Boston and New York Central Railroad Company is largely indebted, and has not the pecuniary means to pay its debts or complete its railroad; and whereas the claims against the company, and the liens upon its property are conflicting in their nature, and the decisions upon numerous complicated legal questions will be necessary in order to determine the specific rights and remedies of its creditors, and, in the meantime, the property of the company will greatly deteriorate, and the benefit to the public, for which the company was authorized to appropriate to its use the private property of individuals, will be lost; and whereas the public good requires that said railroad should not remain in its present dangerous condition, but should be completed and made available for public service; and whereas said company has declared its inability to perform its public duties, and has voted to sell its railroad and property to such company as may be incorporated and authorized to purchase and take the same, on the terms hereinafter specified, and which are deemed a reasonable compensation therefor; now therefore,

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Corporators.

SECTION 1. That Alexander DeWitt, Horatio N. Slater, Joseph W. Clark, Oliver Dean, Abel G. Farwell, Holmes Ammidown, Warren Hunt, William Edwards, Horatio Bigelow, Daniel W. Vaughan, Benjamin T. Reed, Ebenezer Gay, Jacob H. Loud, Woodbridge Odlin, Jesse Murdock, Richard Jenness, William E. Morris, Samuel W. Bates, William Dickinson, Lucian Skinner, Jacob Edwards, Jr.,

Daniel N. Pickering, Isaac Livermore, John B. Alley, and and Edward Haynes, Jr., and their successors, are hereby made a corporation by the name of the Midland Railroad Company; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to railroad corporations, and in all statutes which have been or shall be hereafter passed relating to railroad corporations.

Name.

Privileges, restrictions, &amp;c.

SECTION 2. The said Midland Railroad Company may purchase, or take upon the terms and conditions herein specified, the railroad and all the property of the Boston and New York Central Railroad Company, and may complete the said railroad, and equip and run the same; and for the purpose of completing the said railroad, shall have all the rights to which the said Boston and New York Central Railroad Company is now entitled. It shall also be authorized to purchase and take an assignment of any and all debts and claims secured in whole or in part by any mortgage or lien upon the said property, or any part thereof, and any contract, lease, or claim for land damage, which it may deem advisable to carry into effect the provisions of this act, and to hold the same with all the rights and powers of the parties assigning them.

May purchase New York Central Railroad, &amp;c.

SECTION 3. The persons named in the first section of this act, or a major part of them, shall meet and organize in the manner provided in the forty-fourth chapter of the Revised Statutes, within thirty days from the passage of this act; and upon filing with the secretary of the Commonwealth, a record of the organization of the said Midland Railroad Company, and a notice of the acceptance of this act by a majority of the said corporators, the said railroad and all the property of the said Boston and New York Central Railroad Company, shall vest in said Midland Railroad Company, subject however to all existing valid liens, mortgages, or claims for land damages, to be held by them with all the rights and privileges hereinafter provided; and the Boston and New York Central Railroad Company is hereby authorized to make and execute a release of all their rights in and to its said railroad and property; but its neglect or refusal so to do, shall in no way affect or impair the validity of the title of the said Midland Railroad Company to the property hereby granted.

To organize within thirty days.

Record, &amp;c., to be filed with secretary.

Property to vest in Midland Railroad Company.

SECTION 4. The said Midland Railroad Company shall pay for the railroad and property aforesaid, in the manner following:

Railroad, &amp;c., how paid for.



First,—It shall issue an amount of its capital stock, equal, at one hundred dollars per share, to the entire debt of the Boston and New York Central Railroad Company, that is not secured by any valid lien, upon their railroad and property, with interest computed to the day of filing said certificate, as herein provided; and, on demand within one year from the passage of this act, by any of the holders of such debt, shall give to them, on account of said Boston and New York Central Railroad Company, one share of said stock, for every hundred dollars of debt, so held by them respectively.

Secondly,—It shall also issue, in addition, an amount not exceeding six thousand shares of said capital stock, and at the expiration of six months from the filing of said certificate, shall deliver one share of said stock for every four shares of the stock of said Boston and New York Central Railroad Company, to the holders thereof on that day.

May issue preferred stock equal to debt of company.

SECTION 5. The said Midland Railroad Company, for the purpose of purchasing any claims against the Boston and New York Central Railroad Company, secured, either in whole or in part, upon the property so taken, as aforesaid, by said Midland Railroad Company, is hereby authorized to issue an amount of capital stock, to be denominated preferred stock, equal, estimated at one hundred dollars per share, to the debt of said Boston and New York Central Railroad Company, with the interest computed to the day of the filing of said certificate, under the following claims, to wit:

Claims for payment of which preferred stock may be issued.

First,—The amount due to the holders of the mortgage bonds of the said Boston and New York Central Railroad Company which have been sold by said company.

Secondly,—The amount due to persons where the said amounts are secured by a pledge of any property, or where collateral security was given by said company.

Thirdly,—The amount due under the contract of said company with Daniel N. Pickering, made February twenty-second, eighteen hundred and fifty-five, to secure the labor claims.

Fourthly,—The amount due to the guarantors of the contract of H. N. Slater with the Bay State Iron Company for the purchase of iron.

Fifthly,—The amount due under the lease of the East Thompson Railroad Company.

Sixthly,—The amount due, if any shall exist, where the holders thereof have a valid lien, of any other kind, upon any portion of the railroad or property taken as above pro-

vided. And, upon the assignment, by any holder of such debt, of his claim to said Midland Railroad Company, may deliver to such holder, one share of said preferred stock for every hundred dollars of debt so assigned by him.

SECTION 6. The holders of said preferred stock shall be entitled to the first dividends of the net earnings of the railroad of said Midland Railroad Company, to an amount not exceeding six per cent. per annum, per share, payable semi-annually; and after said dividends shall have been made to the holders of said preferred stock, the holders of said stock not preferred shall be entitled to the second dividend of the net earnings of said company, to an amount not exceeding six per cent. per annum, per share, payable semi-annually; and, after dividends shall have been made as aforesaid, if upon any year, there shall remain any surplus, of net earnings, the same shall be divided between the holders of each class of said stock, share and share alike: *provided, however*, that no dividend shall be made on said unpreferred stock, until the amount paid on said preferred stock shall be equal to an annual dividend of six per cent. thereon, from the date of its issue.

Holders of preferred stock to have first dividends.

Surplus, how divided.

Proviso.

SECTION 7. In case the said Midland Railroad Company shall not be able to agree with any of the creditors or shareholders of the Boston and New York Central Railroad Company, as to the number of shares in the capital stock of the said Midland Railroad Company, to which they are entitled under the provisions of this act, then the same shall be determined by three arbitrators, one to be appointed by each of the said parties, and the third by the two so appointed.

In case of disagreement, three arbitrators to decide.

SECTION 8. All persons holding any stock of the Boston and New York Central Railroad Company, or any bond, debt, or claim against the same, in any fiduciary or representative capacity, or as trustee, guardian, executor, or administrator, or by way of pledge or mortgage, are hereby fully authorized to accept the stock to which they are respectively entitled by this act, and to sell any bond, debt, or claim, which the said company is authorized to purchase, as though they held the same absolutely in their own right, and shall hold the new stock or bond which they shall receive, upon the same trusts, and in the same manner, as that which they held originally.

Persons authorized to accept stock, &c.

SECTION 9. The said Midland Railroad Company are hereby authorized to issue one million dollars of bonds, payable in twenty-five years from their date, with six per cent. interest, payable semi-annually, and to mortgage the

Company may issue \$1,000,000 of bonds, &c.

- Mortgage of railroad, &c.** railroad, and all or any of the property obtained by them under this act, or in any other way ; and said mortgage may include all the property to be hereafter bought by said company, in which case, all the property thereafter bought by said company, shall be covered by said mortgage, notwithstanding said property shall not be owned by said company at the time of making said mortgage: *provided, however,* that the said company may, from time to time, with the consent of the trustees of said mortgage, dispose of such portions of its property as may become unfit for its use, and purchase such additional property as shall be more convenient therefor. Said mortgage deed shall provide for a sinking fund, of five thousand dollars for the first year, ten thousand for the second year, fifteen thousand for the third year, and twenty thousand for every additional year, until the whole of said mortgage bonds shall be paid ; said fund shall be paid over to commissioners to be appointed in said mortgage deed, and they shall invest the same in the purchase of the said Midland Railroad Company mortgage bonds, giving preference to such holder as will sell his bonds for the lowest price. But in case such bonds cannot be bought for at least their par value, then the said commissioners shall invest said sinking fund in such other valid securities as they shall deem best. The said mortgage deed shall also provide that in case a breach shall occur, on the part of the company, of any condition of the mortgage, and shall remain uncured for the space of thirty days after notice to said company of said breach, by the trustees of said mortgage, the supreme judicial court shall have power, upon application of the trustees under said mortgage, by summary process, to give possession, to the said holders of said bonds, of all the property secured by said mortgage. And whenever said bondholders shall obtain possession of said property as aforesaid, they may immediately organize themselves into a company, under the provisions of the forty-fourth chapter of the Revised Statutes, and shall be subject to the general statutes relating to railroad corporations, and shall hold and enjoy the said railroad and property, until the said mortgage bonds and the accruing interest shall have been wholly paid, out of the net earnings of said property, or in some other way ; and the record of said mortgage deed, in the registry of deeds for the several counties through which the said railroad passes, shall be deemed sufficient notice thereof.
- Proviso.**
- Sinking fund.**
- Fund payable to commissioners, &c.**
- In case of breach of condition of mortgage, supreme judicial court to give possession of road to holders of bonds, upon application of trustees.**
- Duty of bondholders.**
- Bonds, how appropriated.** SECTION 10. Said bonds shall be appropriated exclusively to completing and equipping the said Midland Railroad, from

Boston to Mechanicsville and Southbridge, and to the purchase of the Norfolk County Railroad bonds, and the claims for damage caused by the taking of land and other property by said Boston and New York Central Railroad Company. And whenever said company shall purchase any of said Norfolk County Railroad bonds, or any of the claims for land damages, it shall have all the rights and remedies of the persons of whom it purchases the same, as hereinafter provided.

SECTION 11. In case the said Midland Railroad Company shall not issue said mortgage bonds, it shall then be authorized to issue ten thousand shares of capital stock, to be denominated seven per cent. preferred stock: *provided*, that the same shall not be issued for a less sum, to be actually paid in, in cash, than the par value of one hundred dollars per share. And said stock shall forever be entitled to an annual dividend of seven dollars per share, payable semi-annually, before any dividend shall be made upon the stock issued under the provisions of the third and fourth sections of this act: *provided, however*, that the said company may purchase any of the mortgage bonds of the Norfolk County Railroad Company, and the said claims for land damages, by giving to the holders thereof, one share of said stock for every hundred dollars of said bonds or claim for land damage so held by them, and assigned to said Midland Railroad Company; and in that case the said company shall have the same rights and remedies, in regard to said bonds and land claims, as the persons of whom it purchased the same.

Preferred stock may be issued in lieu of mortgage bonds.

Proviso.

Stock entitled to dividend of \$7 per share.

Proviso.

SECTION 12. For the purpose of obtaining the money for the said bonds, or said seven per cent. preferred stock, the said Midland Railroad Company is hereby authorized, if it shall deem it expedient, and to such extent as it shall find it necessary, to issue an additional number of shares of the class of preferred stock set forth in the fifth section of this act, sufficient to accomplish the purposes of this section, and may give the same to such holders of the stock issued under the provisions of the fourth section of this act, as shall, for every share of said preferred stock that they may receive, surrender to said company one share of said unpreferred stock in lieu thereof; and shall also purchase of said Midland Railroad Company, and pay for in cash, at the par value thereof, one hundred dollars of the said mortgage bonds of said Midland Railroad Company, or, as the case may be, of the said seven per cent. preferred stock.

Company may issue additional shares of preferred stock, &c.

Bonds to be purchased, &c.

SECTION 13. The said company is hereby authorized to contract with the trustees under said mortgage of said Nor-

May contract with trustees of Norfolk County

R. R. Co. to lease  
or run over their  
road, &c.

folk County Railroad Company, upon such terms as shall be mutually agreed upon, to lease or to run over with their cars and engines, said Norfolk County Railroad, until the holders of said Norfolk County Railroad mortgage bonds, shall have exchanged the same for the mortgage bonds of the Midland Railroad Company, or until said company shall have in some other way purchased said bonds.

Persons having  
claims for land  
damages, may  
agree, in writing,  
with the Midland  
Railroad Compa-  
ny not to avail  
themselves of any  
remedies in law,  
&c.

SECTION 14. Any persons having such claim for land damages against the Boston and New York Central Railroad Company, as entitles them to any injunction or process in law and equity, are authorized to agree in writing with said Midland Railroad Company, upon such terms and conditions, and for such times, as shall be expressed in their respective agreements, not to avail themselves of any of their said remedies. And such agreement shall not be deemed a waiver of any of their rights to enforce their said remedies at the expiration of the time agreed upon, or upon the breach by said Midland Railroad Company of any of the terms and conditions of said agreement; but the same may then be enforced as fully as if no such agreement had ever been made.

Not to affect lien,  
&c., on railroad.

SECTION 15. Nothing herein contained shall in any manner affect any valid lien or mortgage upon the railroad or the property taken by said Midland Railroad Company, or any part thereof, or in any manner prejudice or impair the right of any creditor of the Boston and New York Central Railroad Company, having such lien or mortgage, or a claim for land damages, to enforce the same; nor shall any such creditor, who shall not sell and assign his debt or claim as herein provided, be in any way benefited, nor shall his rights or position be in any way changed or improved, by the assignment to said company of the debt or claim of any other person, or by the assignment of any lease or contract.

Debts, &c., pur-  
chased by com-  
pany, not to be  
considered as  
paid, and compa-  
ny to have same  
rights as party  
assigning them.

And no debt, lease, contract, or claim of any kind, which may be purchased by said company as herein provided, shall be considered as paid, cancelled, or discharged, but the company shall hold the same in all respects as, and with all the rights and powers of, the party assigning the same.

Proceedings by  
creditor for en-  
forcing lien.

And if any creditors of said Boston and New York Central Railroad Company shall commence proceedings for enforcing any lien or mortgage, the said Midland Railroad Company shall have the right, in respect to all debts or claims which may have been assigned to it, to share in the benefits of such lien or mortgage, in the same manner as the creditor assigning the same would have had, and also the right to commence or join in any suits or proceedings which may be

Midland Railroad  
Company to have  
same rights as  
creditors assign-  
ing the same,  
&c.

necessary for securing or enforcing such rights, or for obtaining and sharing the benefits of such lien or mortgage. And said company shall also have the right, at any time, in its own name, and for its own benefit and protection, to institute such suits and proceedings as may be necessary for enforcing and obtaining the benefit of any debt, claim, lease, contract, claim for land damages, or any lien, mortgage, or other right, which it may have purchased or had assigned to it, as herein provided. And said Midland Railroad Company shall have all the rights, in respect to any mortgage bonds which may be assigned to it, as herein provided, which any other bond holders may have, to participate in the choice of trustees, or in any other proceedings or measures which may be adopted for the common benefit of such bond holders; and whenever any payment or dividend shall be made to any bond holders or other creditors having such liens or mortgage, from the income or sale of the property mortgaged, or on which such lien exists, the company shall be entitled to a *pro rata* dividend or payment upon all claims, debts or bonds of a like class, which may have been assigned to it.

Company may institute suits, &c.

Company to have same rights in respect to mortgage bonds assigned to it, as other bond holders.

Company holding bonds to have *pro rata* dividends with other bond holders.

SECTION 16. In case the said Midland Railroad Company shall make a mortgage, as above provided, to raise money for the completion of the railroad, and for the purchase of the Norfolk County Railroad bonds, and the claims for land damages, it shall have the right to assign and transfer to the trustees under said mortgage, for the benefit of the bond holders, any and all debts, bonds, contracts, leases, and claims for land damages, which may then have been or shall thereafter be purchased and assigned to said company, as herein provided, with all the rights, liens and securities for the same; and the said trustees shall have all the rights, in respect to the same, which are herein given and secured, to the said company, and may, in the same manner, exercise and enforce the same. But said Midland Railroad Company shall have no right to assign or transfer said debts, bonds, claims, liens, rights and securities, or any part thereof, to any other person except said trustees.

Midland Railroad Company may assign its mortgage to trustees for benefit of bond holders.

SECTION 17. The said corporators mentioned in the first section of this act, whenever they shall have issued four thousand shares of the capital stock of said Midland Railroad Company, under the provisions of this act, shall call a meeting of the said stockholders, to be holden in Boston, by publishing in some paper printed in Boston, a notice thereof, seven days before said meeting shall be held, at which meeting all the then stockholders may vote in adopting the by-

Meeting to be called when 4,000 shares of capital stock have been issued.

Notice to be published.

laws of the company, the election of a new board of directors, and the transaction of such other business as shall properly come before them.

Act not accepted, &c., Boston and New York Central Railroad Co. or any creditor of same may apply to judge of insolvency to commence proceedings, &c.

SECTION 18. In case a majority of the said persons named in the first section of this act, shall not accept this act, and file with the secretary of the Commonwealth the certificate thereof, within sixty days from the passage of this act, then the said Boston and New York Central Railroad Company, or any creditor of the same, may apply to the judge of insolvency for the county of Suffolk, to the end that the property of the said company may be distributed amongst its creditors; in which case the provisions of the three hundred and twenty-seventh chapter of the acts of the year eighteen hundred and fifty-one, (excepting the twenty-sixth section thereof,) entitled, "An Act to secure the equal distribution of the Property of Insolvent Corporations amongst their Creditors," shall be deemed applicable to said company, and the said judge shall issue such warrants and make such orders and decrees as shall be necessary to carry out the provisions of said act, in relation to the property, creditors and affairs of said company: *provided, however*, that no such said proceedings in insolvency shall in any way affect the rights or remedies of any persons holding any mortgage bonds, claim for land damage, or other liens upon the property of said company.

Proviso.

Supreme judicial court to have full jurisdiction, &c.

SECTION 19. The supreme judicial court shall have full jurisdiction to enforce summarily all the provisions of this act, and to make all such orders and decrees, and issue all such writs and processes, as may be necessary to give it effect, and to put the company hereby incorporated, in possession of the above mentioned railroad and property, and to protect the company in its use and enjoyment.

SECTION 20. This act shall take effect from and after its passage.

*Approved March 19, 1858.*

**Chap. 61.** AN ACT TO AMEND "AN ACT IN RELATION TO THE OFFICE OF THE SECRETARY OF THE BOARD OF EDUCATION."

*Be it enacted, &c., as follows:*

Act of 1849 amended.

So much of the first section of the act entitled, "An Act in relation to the Office of the Secretary of the Board of Education," passed May second, eighteen hundred and forty-nine, as authorizes the expenditure of a sum not exceeding fifty dollars a year, in the purchase of rare and valuable works on education, is hereby repealed.

*Approved March 17, 1858.*

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT TO EXEMPT FROM LEVY ON EXECUTION THE HOMESTEAD OF A HOUSEHOLDER." *Chap. 62.*

*Be it enacted, &c., as follows :*

The fifteenth section of chapter two hundred and ninety-eight of the Acts of eighteen hundred and fifty-seven, is hereby amended by striking out all after the word "estate" where said word first occurs in said section, and substituting the following, to wit: "And if, in their judgment, the premises be of greater value than eight hundred dollars, the said appraisers shall set off to the judgment debtor, so much of the said premises, including the dwelling-house, or such part thereof as shall not exceed the value of eight hundred dollars, as shall appear to them to be of the value of eight hundred dollars; and the residue of the property shall be levied upon, and disposed of, in the same manner as other real estate not exempted by law from levy on execution."

Act of 1857 amended.

Excess of property above \$800 may be levied upon.

*Approved March 19, 1858.*

AN ACT TO REGULATE THE TAKING OF TERRAPIN IN THE WATERS OF THIS COMMONWEALTH. *Chap. 63.*

*Be it enacted, &c., as follows :*

SECTION 1. The inhabitants of any town of this Commonwealth are hereby authorized and empowered, at any legal meeting called and held for that purpose, to make and establish by-laws, regulating the taking of terrapin in any of the waters within the limits of said town; said by-laws to be approved by the court of common pleas for the county.

Towns may establish by-laws regulating the taking of terrapin

SECTION 2. The said town may sell or let for such term as may be deemed proper, not exceeding three years, the privilege to take terrapin in any of said waters, or any part thereof, to any person or persons, and upon such terms as may be by said town in said by-laws fixed and established.

May sell or let privileges.

SECTION 3. Any person violating the provisions of any by-laws, established under the authority of this act, shall forfeit and pay a fine of not less than five dollars, and not more than one hundred dollars, for each and every offence, to be recovered by prosecution before any court of competent jurisdiction, one-half of the same to go to the person complaining, and one-half to the county in which the offence was committed.

Penalty for violating by-laws.

*Approved March 19, 1858.*

AN ACT CONCERNING THE COMMITMENT OF LUNATICS TO HOSPITALS. *Chap. 64.*

*Be it enacted, &c., as follows :*

SECTION 1. Whenever application is made to any court for the commitment of a lunatic to any lunatic hospital, the person making such application shall file with it a statement

Statement to be filed with application for commitment.



containing the following particulars, as nearly as they can be ascertained:—The civil condition and birthplace of such lunatic; the duration and supposed cause of disease; the previous existence of insanity, or otherwise, in the person or family; the habits of the lunatic in regard to temperance; the disposition, whether suicidal or not; together with any facts showing a settlement or want of settlement; the name and address of some one of the nearest relatives; and if the lunatic be a woman, it shall be stated whether she has any children, and if so, what time has elapsed since the birth of the youngest. And when the applicant is unable to state any of the above particulars, he shall state his inability to do so.

SECTION 2. The statement above provided for, or a copy thereof, shall be transmitted to the superintendent of the hospital, with the order for commitment.

*Approved March 19, 1858.*

**Chap. 65.** AN ACT TO INCORPORATE THE BAKER'S POND AND DRAIN FISHING COMPANY.

*Be it enacted, &c., as follows :*

**Corporators.**

**Name.**

**Purpose.**

**Privileges, restrictions, &c.**

**Penalty for fishing without permission.**

**Act subject to acceptance of town of Yarmouth.**

SECTION 1. Wilson V. Baker, Loren Baker, Orlando Baker and Laban Baker, their associates, successors and assigns, are hereby made a corporation, by the name of the Baker's Pond and Drain Fishing Company, in the town of Yarmouth; and are empowered to make a suitable outlet from Baker's Pond, in said town, through their own land, to Bass River, for the purpose of creating an alewife fishery, and are authorized to regulate the same; with all the powers and privileges, and subject to all the liabilities, duties and restrictions, contained in the forty-fourth chapter of the Revised Statutes.

SECTION 2. If any person, without the permission of said corporation, shall take, catch, or haul on shore, any alewives from said Baker's Pond or Drain, or within one hundred yards in any direction from the mouth of said drain, he shall, upon complaint, forfeit a sum not exceeding two dollars, if the quantity so taken is less than one barrel; and if the quantity be more than one barrel, a sum not exceeding five dollars for each barrel of fish so taken, to be recovered in any court proper to try the same.

SECTION 3. This act shall not take effect unless accepted by the town of Yarmouth, at a legal meeting called and held for that purpose, within one year after the passage of this act.

*Approved March 22, 1858.*

AN ACT TO EXTEND THE TIME TO PAY IN THE INCREASE OF THE CAPITAL OF THE OLD COLONY BANK, IN PLYMOUTH. *Chap. 66.*

*Be it enacted, &c., as follows :*

The time allowed to the Old Colony Bank, in Plymouth, by the one hundred and eightieth chapter of the acts passed in the year one thousand eight hundred and fifty-seven, for paying in the increase of their capital stock, is hereby extended to the first day of May, in the year one thousand eight hundred and fifty-nine. *Time for paying in additional capital extended.*

*Approved March 23, 1858.*

AN ACT TO PREVENT THE USE OF BLANKS FOR COUNTERFEITING BANK BILLS, CERTIFICATES AND NOTES. *Chap. 67.*

*Be it enacted, &c., as follows :*

SECTION 1. Every person who shall commit the crime of larceny, by stealing any printed piece of paper or blank, designed for the purpose of being issued by any incorporated bank or banking company in the United States, as a bank bill, certificate or promissory note, or printed by means of any engraved plate designed for printing such pieces of paper or blanks, with the intent either to utter or pass the same, or to cause or allow the same to be uttered or passed as true, either with or without alteration or addition, and thereby to injure or defraud any person, shall be punished by imprisonment in the state prison for life, or for any term of years. *Larceny of paper or blanks from incorporated banks, &c., with intent to defraud, how punished.*

SECTION 2. Every person who, having been employed to print, or having assisted in printing any such printed piece of paper or blank as is mentioned in the preceding section, or having been intrusted with the care or custody of any such printed piece of paper or blank, shall, without the knowledge and consent of the corporation for which the same was printed, retain in his own possession any such printed piece of paper or blank, with the intent either to utter or pass the same, or to cause or allow the same to be uttered or passed as true, either with or without alteration or addition, and thereby to injure or defraud any person or persons, shall be punished by imprisonment in the state prison for life, or for any term of years. *Printers retaining such paper or blanks, &c., with intent to defraud, how punished.*

SECTION 3. This act shall take effect from and after its passage.

*Approved March 23, 1858.*

AN ACT CONCERNING THE MEASUREMENT OF FRUIT AND VEGETABLES. *Chap. 68.*

*Be it enacted, &c., as follows :*

SECTION 1. The dry measure shall be the sole authorized public standard for measuring all fruits, vegetables and nuts, whenever the same shall be sold by measure; and *Dry measure sole authorized standard.*

every person who shall sell any such articles, by any other than by dry measure, shall forfeit and pay a sum not exceeding ten dollars for every such offence, to the use of the city or town in which prosecution is commenced.

Repeal.

SECTION 2. All acts and parts of acts, inconsistent with this act, are repealed.

SECTION 3. This act shall take effect on and after the first day of July next.

*Approved March 23, 1858.*

**Chap. 69.** AN ACT TO INCREASE THE AMOUNT OF SPECIE IN THE COMMONWEALTH.

*Be it enacted, &c., as follows :*

Each bank to keep specie equal to fifteen per cent. of circulation and deposits.

SECTION 1. Every bank within this Commonwealth shall be required to keep an amount of specie equal to fifteen per centum of its aggregate liability for circulation and deposits ; and whenever, by the weekly or monthly returns required by the three hundred and seventh chapter of the acts of the year eighteen hundred and fifty-four, the weekly average amount of specie in any bank in Boston is less than fifteen per centum of the aggregate liability of said bank for circulation and deposits, or, in any bank out of Boston, or any bank in South Boston redeeming its bills at any other bank, the monthly average amount of specie is less than fifteen per centum of the aggregate liability of said bank for circulation and deposits, it shall be unlawful for any such bank to make new loans or discounts, until the amount of specie in said bank shall be restored to the proportion of fifteen per centum of its aggregate liability for circulation and deposits : *provided*, that banks out of Boston, in the monthly returns required by the three hundred and seventh chapter of the acts of the year eighteen hundred and fifty-four, shall return the monthly average amount of balances in other banks, not bearing interest, which may be applied to the redemption of their bills, and the same shall be considered and deemed as equivalent to specie for the purposes of this act.

Proviso.

Bills not to exceed capital stock

SECTION 2. The amount of bills issued by any bank, shall not, at any one time, exceed the amount of the capital stock of said bank. So much of the eighth section of the thirty-sixth chapter of the Revised Statutes, as relates to the amount of bills which any bank may issue, and all other acts or parts of acts, inconsistent with this section, are hereby repealed.

Repeal.

SECTION 3. This act shall take effect from and after the first day of June next.

*Approved March 23, 1858.*

## AN ACT CONCERNING NOTES PAYABLE ON DEMAND.

Chap. 70.

*Be it enacted, &c., as follows :*

SECTION 1. The first section of the one hundred and twenty-first chapter of the acts of the year eighteen hundred and thirty-nine, is hereby amended by adding thereto the following words, to wit: "provided that no matter that has arisen, after notice of the endorsement or transfer of such note has been given to the promisor, shall constitute a defence thereto."

Act of 1839  
amended.

SECTION 2. The one hundred and ninety-second chapter of the acts of the year eighteen hundred and fifty-seven, is hereby repealed.

Repeal.

*Approved March 23, 1858.*

## AN ACT TO AMEND THE ACT PROVIDING FOR TRIAL BY JURY BEFORE JUSTICES OF THE PEACE, IN CERTAIN CASES.

Chap. 71.

*Be it enacted, &c., as follows :*

SECTION 1. No party shall be entitled to demand a jury, under the provisions of chapter three hundred and fourteen of the acts of the year eighteen hundred and fifty-two, unless all the parties to said suit shall file a written waiver of all right of appeal from the judgment of the said justice on the verdict of said jury; and in such case there shall be no right of appeal therefrom.

Trial by jury before justice not allowed, unless waiver of right to appeal be filed by parties.

SECTION 2. All acts and parts of acts, so far as the same are inconsistent with this act, are hereby repealed.

Repeal.

*Approved March 23, 1858.*

## AN ACT RELATING TO EXECUTORS' BONDS.

Chap. 72.

*Be it enacted, &c., as follows :*

Any executor shall be exempted from giving a surety or sureties on his official bond, when the testator shall have ordered or requested such exemption, or that no bond should be taken; and any executor may also be so exempted, when all the persons interested in the estate, who are of full age and legal capacity, other than creditors, shall certify to the judge of probate their consent thereto: *provided, however,* that no executor shall be so exempted, until all creditors of the estate, and the guardian of any minor interested therein, shall have been notified, and had opportunity to show cause against the same; and *provided, also,* that the judge of probate may, at or after the granting of letters testamentary, require bond with sufficient surety or sureties, if he shall be of opinion that the same is required by a change in the situation or circumstances of the executor, or for other sufficient cause.

Executors exempted from giving sureties, when testator has so ordered, &amp;c.

Provide.

Provided, also.

*Approved March 24, 1858.*

**Chap. 73.** AN ACT RELATING TO THE SALE OF PROPERTY OF INSOLVENT DEBTORS.

*Be it enacted, &c., as follows :*

Sale of perishable property by assignee, pending dispute of title, authorized.

SECTION 1. Whenever it shall appear to the satisfaction of the judge of a court of insolvency, that the title to any portion of an estate, which has come into possession of the assignee by delivery from the messenger or the insolvent debtor, in any case pending before such judge, is in dispute, and that the property is of a perishable nature or liable to deteriorate in value, he may, on the petition of the assignee, and after such notice to the claimant, his agent or attorney, as said judge shall deem reasonable, order the same to be sold, under the direction of the assignee, who shall hold the funds received in place of the estate so disposed of; and the proceeds of such sale shall be considered the measure of the value of the property in any suit or controversy between the parties.

Property recovered by action, &c.

Proviso.

SECTION 2. Nothing in this act contained shall prevent the recovery of the property herein mentioned, from the possession of the assignee by action or replevin: *provided*, the same shall be commenced at any time before the judge shall have ordered a sale as herein provided.

SECTION 3. This act shall take effect from and after its passage.

*Approved March 24, 1858.*

**Chap. 74.** AN ACT TO CONTINUE THE CHARTER OF THE NEW ENGLAND MUTUAL MARINE INSURANCE COMPANY.

*Be it enacted, &c., as follows :*

Act extended.

Duration.

May insure against losses by fire. Privileges, restrictions, &c.

Reserved profits, how divided, &c.

Profits may remain with company, &c.

SECTION 1. The New England Mutual Marine Insurance Company is hereby continued a corporation, for the period of twenty years from and after the expiration of the period originally limited in its act of incorporation, for the purposes mentioned in said act of incorporation, and also with authority to insure against losses by fire; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and all other general laws, that are now or may hereafter be in force, relative to insurance companies.

SECTION 2. The reserved profits, which shall be held by said company at the time of the expiration of its present charter, shall be divided among the respective persons and corporations thereto respectively entitled, at the time of such expiration.

SECTION 3. It shall be lawful for the said company, by agreement with any of such persons or corporations, to allow and permit the whole, or any part of such profits, accruing to them respectively, to remain with said company,

during the period for which the corporation is hereby continued, and to permit such persons or corporations to receive such portion of the future profits of the business of said company, as shall be deemed just and equitable.

SECTION 4. Any of the reserved profits aforesaid, which shall be continued with said company as aforesaid, shall, to the extent thereof, be deemed and taken to be a permanent fund, in lieu and stead of the subscription notes provided to be given, in and by the eighteenth and succeeding sections of the two hundred and fifty-second chapter of the statutes of the year eighteen hundred and fifty-six.

Profits continued with company, shall be deemed a permanent fund.

SECTION 5. No part of the future profits arising from the business of the said insurance company, and no part of the said reserved profits, which shall be permitted to remain with the said company as aforesaid, shall be withdrawn from the said company, except for the payment of losses and expenses, except that the said company may, from time to time, pay to the parties respectively entitled thereto, such sums as shall be received or realized from the investment of such profits; and said company may, from time to time, pay off such reserved profits so left with them as aforesaid, and such portion of their future profits as the persons or corporations, entitled to such reserved profits, shall be allowed to receive, pursuant to the provisions of the third section of this act: *provided*, such payment shall leave net earned profits with said company, as a permanent fund, to the amount of not less than two hundred thousand dollars.

Profits not to be withdrawn except, &c.

Proviso.

*Approved March 24, 1858.*

AN ACT TO AUTHORIZE IGNATIUS SARGENT, GUARDIAN, TO SELL CERTAIN LAND OF HIS WARD.

*Chap. 75.*

*Be it enacted, &c., as follows:*

Ignatius Sargent, of Brookline, in the county of Norfolk, guardian of Ignatius Sargent, Junior, of said Brookline, a minor, is hereby authorized to sell, at private sale, and convey to Alpheus Hardy, Horatio Harris and Hugh Montgomery, trustees under the will of Joshua Sears, a parcel of land, part of the estate of his said ward, situate in Boston, and bounded southerly on Franklin Place, ten inches; westerly on land of the said trustees, ninety-three feet eight inches; northerly on land of the said trustees, ten inches, and easterly on the land of his said ward, by a line through the centre of a wall, ninety-three feet eight inches; together with all the interest, if any, of his said ward in that part of the wall standing on the said described land; and to execute and deliver to the said Hardy, Harris and Montgomery, a

Guardian authorized to sell real estate.

Boundary.

Bond to judge of probate.

good and sufficient deed of the same, he, the said Ignatius Sargent, guardian, as aforesaid, first giving bond to the judge of probate for the county of Norfolk, with surety satisfactory to the said judge, to account for the proceeds of the said sale according to law.

*Approved March 24, 1858.*

**Chap. 76.**

AN ACT CONCERNING PROXIES.

*Be it enacted, &c., as follows :*

Number of votes by, in railroad corporations, limited to fifty, unless, &c.

SECTION 1. No individual, at any meeting of the stockholders of any railroad corporation, shall be allowed, by virtue of any power of attorney, proxy or proxies, held by him, and made by any shareholder, to cast more than fifty votes, unless all the shares represented by such individual, are owned by one person or corporation; and no director, treasurer or other officer of any railroad corporation, shall be allowed, by virtue of any power of attorney, proxy or proxies, held by him, to cast more than twenty votes.

SECTION 2. The third section of the sixty-eighth chapter of the acts of the year eighteen hundred and forty-three, is hereby repealed.

*Approved March 24, 1858.*

**Chap. 77.** AN ACT CONCERNING THE DISCIPLINE OF JAILS AND HOUSES OF CORRECTION.

*Be it enacted, &c., as follows :*

Act of 1857 extended to officers of and convicts in jails and houses of correction.

The keepers of the several jails, and the masters of the several houses of correction in this Commonwealth, shall perform all the duties required in the first section of the two hundred and eighty-fourth chapter of the acts of the year eighteen hundred and fifty-seven, to be performed by the warden of the state prison. And the convicts in such jails and houses of correction shall be entitled to all the benefits therein secured to convicts in the state prison, by said act, provided that their terms of imprisonment are not less than four months.

*Approved March 24, 1858.*

**Chap. 78.** AN ACT TO ESTABLISH THE COMPENSATION OF THE LIEUTENANT-GOVERNOR AND THE MEMBERS OF THE EXECUTIVE COUNCIL.

*Be it enacted, &c., as follows :*

Compensation of members.

SECTION 1. The compensation of the members of the executive council shall be three hundred dollars each, for the regular annual session of their board, held during the session of the legislature, in the year for which they shall have been elected; and three dollars for each and every day's attendance at every subsequent session of said board, during their term of office.

Mileage.

SECTION 2. The members of said board shall receive two

dollars for every ten miles' travel to and from their respective places of abode, once in each session thereof.

SECTION 3. The lieutenant-governor shall receive mileage as provided in the last section, and double the compensation provided in the first section of this act, for each of the members of the executive council. Compensation and mileage of lieutenant-governor.

SECTION 4. The compensation and mileage provided in this act for the lieutenant-governor and members of the executive council, shall be paid at the close of each session of their board. Time of payment.

SECTION 5. All acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed. Repeal.

SECTION 6. This act shall take effect from and after its passage, and shall apply to the present session of the executive council.

Approved March 24, 1858.

AN ACT TO INCORPORATE THE PROPRIETORS OF THE BOSTON THEATRE.

Chap. 79.

*Be it enacted, &c., as follows:*

SECTION 1. Franklin Haven, Augustus H. Fiske, Gardner Brewer, Edward C. Bates, and Elijah D. Brigham, their associates and successors, are hereby made a corporation by the name of The Proprietors of the Boston Theatre, for the purpose of purchasing, acquiring, and maintaining, in the city of Boston, a building suitable and convenient for a theatre or opera house; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the forty-fourth chapter of the Revised Statutes. Corporators.  
Name.  
Purpose.  
Privileges, restrictions, &c.

SECTION 2. The capital of the said corporation shall not exceed the sum of three hundred thousand dollars, to be divided into such number of shares as said corporation shall determine: *provided*, that no shares shall be issued for a less sum or amount, to be paid in on each, than the par value of the shares which shall be first issued. Capital not to exceed \$300,000.  
No shares issued under par.

SECTION 3. The said corporation is hereby authorized to purchase the property now held and owned by the Boston Theatre, and in case it shall make such purchase, it shall assume and be liable for the debts of that corporation: *provided*, that the said Boston Theatre shall not be released and discharged from such debts until the same shall be fully paid and satisfied. May purchase property of Boston Theatre, &c.  
Proviso.

SECTION 4. If any ardent spirits, or intoxicating drinks of any kind, shall be sold in said building by said corporation, its agents or lessees, or by persons in its employment, then this act shall be void. Ardent spirits, &c., not to be sold.

SECTION 5. This act shall take effect from and after its passage.

Approved March 24, 1858.



**Chap. 80.** AN ACT TO INCORPORATE THE PROPRIETORS OF THE HADLEY FALLS.  
*Be it enacted, &c., as follows:*

Corporators.

Name.

Purpose.

Privileges, restrictions, &c.

Capital not to exceed \$700,000, in shares of \$100 each.

May purchase the property of Hadley Falls Company, &c.

Liabilities.

Hadley Falls Company, not

SECTION 1. Ignatius Sargent, Richard S. Fay, Jonathan I. Bowditch, Chester W. Chapin, William Amory, and William Appleton, their associates, successors and assigns, are hereby made a corporation by the name of the Proprietors of the Hadley Falls, for the purpose of maintaining the dam heretofore erected across the Connecticut River by the Hadley Falls Company, and the locks and canals in connection with said dam, and using the water-power thereby created, for manufacturing articles from cotton, wool, iron, wood and other materials, and selling, demising, or leasing the same to other persons and corporations, to be used for manufacturing and mechanical purposes, and also for the purposes of navigation; and in addition to the powers and privileges, duties, liabilities and restrictions, hereby granted or imposed, shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, and in the two hundred and seventy-sixth chapter of the acts of the year one thousand eight hundred and fifty-seven.

SECTION 2. The capital stock of the said corporation shall not exceed seven hundred thousand dollars, to be divided into shares of one hundred dollars each; and no share shall at any time be issued by said corporation for less than one hundred dollars.

SECTION 3. The said corporation shall have full power and authority to purchase, take, hold, and receive from the said Hadley Falls Company, all its estate, real and personal, and mixed, with all the water-powers, water-courses, water-privileges, dams, canal, privileges, rights, easements, and appurtenances thereto pertaining or belonging, or therewith connected; and in case it shall so purchase, take or receive the same, the said corporation shall have and possess all the powers and privileges, and be subject to all the duties and liabilities given or granted to, or imposed upon the said Hadley Falls Company in and by an act entitled "An Act to incorporate the Hadley Falls Company," made and passed on the twenty-seventh day of April in the year one thousand eight hundred and forty-eight: and in case the said corporation shall so purchase from said Hadley Falls Company, it shall be liable for all the present debts and liabilities of the said Hadley Falls Company.

SECTION 4. Nothing herein contained shall in any way

exempt, release or discharge the said Hadley Falls Company exempt from debts, &c. from any of its said debts and liabilities.

SECTION 5. This act shall take effect from and after its passage.

*Approved March 24, 1858.*

AN ACT TO EXTEND THE TIME TO PAY IN THE CAPITAL STOCK OF THE *Chap. 81.*  
HIDE AND LEATHER BANK, IN BOSTON.

*Be it enacted &c., as follows :*

The time within which the capital stock of the Hide and Leather Bank, in Boston, shall be paid in, as provided in the "Act to incorporate the Hide and Leather Bank, in Boston," is hereby extended to the first day of May, in the year one thousand eight hundred and fifty-nine. Time for paying in capital stock extended.

*Approved March 24, 1858.*

AN ACT IN RELATION TO THE ASSESSMENT AND COLLECTION OF *Chap. 82.*  
TAXES.

*Be it enacted, &c., as follows :*

The fifth section of chapter two hundred and thirty-nine of the acts of eighteen hundred and fifty-six is hereby repealed. Act of 1856 repealed.

*Approved March 25, 1858.*

AN ACT CONCERNING THE EMPLOYMENT OF CHILDREN IN MANUFACTURING ESTABLISHMENTS. *Chap. 83.*

*Be it enacted, &c., as follows :*

SECTION 1. No child under twelve years of age shall be employed in any manufacturing establishment, in this Commonwealth, unless such child shall have attended some public or private school, of which the teacher shall have been approved by the school committee of the city or town in which such school shall have been kept, eighteen weeks within the year next preceding the time of such employment, and for the same period during any and every twelve months, in which such child shall be so employed; but the provisions of this act shall not apply to a child who shall have removed into this Commonwealth, from any other state or country, until such child shall have resided six months within this Commonwealth. Children under 12 years, not to be employed unless they attend school eighteen weeks a year.

Act not to apply.

SECTION 2. The owner, agent, or superintendent of any manufacturing establishment in this Commonwealth, who shall employ any child in such establishment, contrary to the provisions of this act, shall forfeit a sum not exceeding fifty dollars, to be recovered by indictment, to the use of the common schools in the town where said establishment may be situated. Penalty.

SECTION 3. All acts and parts of acts, inconsistent with this act, are hereby repealed.

*Approved March 25, 1858.*

**Chap. 84.** AN ACT TO ESTABLISH A POLICE COURT IN THE TOWN OF TAUNTON.  
*Be it enacted, &c., as follows :*

**Court established** SECTION 1. A police court is hereby established in the town of Taunton, to consist of one competent and discreet person as standing justice, and one as special justice, to be appointed and commissioned by the governor, pursuant to the constitution.

**Jurisdiction in Taunton.** SECTION 2. The said court shall have original and exclusive jurisdiction over all offences committed in said town, whereof justices of the peace or police courts now have or may hereafter have jurisdiction, and, also, original and exclusive jurisdiction over all civil suits and actions, whereof justices of the peace or police courts now have or may hereafter have jurisdiction, whenever all the parties reside in said town. Said court shall have concurrent jurisdiction with justices of the peace, over all offences committed in the county of Bristol, whereof justices of the peace or police courts now have or may hereafter have jurisdiction, and of all suits and actions which are now or may hereafter be within the jurisdiction of justices of the peace or police courts.

**Appointment of clerk.** SECTION 3. A clerk of said court shall be appointed and commissioned by the governor, who shall faithfully perform all services by law required of the clerks of like courts in this Commonwealth.

**Either justice may issue warrants.** SECTION 4. Either of the justices of said court may issue warrants in all proper cases. No justice of the peace shall hereafter be allowed any fees for warrants issued in said town, or elsewhere, for offences committed in said town ; and all warrants so issued shall be made returnable before said court.

**Compensation of justices and clerk.** SECTION 5. The fees and costs accruing from criminal prosecutions in said court shall be paid to the standing justice, and out of the same he shall retain for his services the sum of one thousand dollars for each year, and in the same proportion for any part of a year. Said standing justice shall, out of his compensation, pay to the special justice the fees prescribed by law for the services performed by him. The clerk of said court shall be entitled, out of said fees and costs, to the sum of three hundred dollars for his services for each year, and in the same proportion for any part of a year ; and he shall also be entitled to the fees for copies. Said justices and clerk shall retain also to their own use the fees received by them for civil business.

**Fees, &c.** SECTION 6. The standing justice shall, on or before the first day of January in each year, pay to the treasurer of

the county of Bristol, any balance of fees and costs in his hands, and all fines received by him.

SECTION 7. A court shall be held by said standing or special justice in said town, three times each week, and as much oftener as is deemed necessary, for criminal business; and on one day in each week, and oftener if said justices shall see fit, for civil business. The standing justice shall have power to make all proper rules for the conduct of the business of said court.

Court, how often to be held.

SECTION 8. The special justice shall not hear, try and determine any cause in said court, unless the standing justice shall be unable to officiate on account of absence, sickness, bias, interest, or other disability. When the special justice shall officiate, he shall cause to be stated on the record the reason therefor.

When special justice may act.

SECTION 9. Neither of said justices, nor the clerk, shall act as counsel before said court, or in any cause which may have been heard or tried, or is pending in said court.

Justices shall not act as counsel.

SECTION 10. The governor, by and with the advice and consent of the council, shall have power to appoint the said justices and clerk, at any time after the passage of this act.

Appointment of justices and clerk.

SECTION 11. This act shall not affect any cause pending when it shall take effect.

Pending causes.

*Approved March 25, 1858.*

#### AN ACT TO ABOLISH THE LAND OFFICE.

*Chap. 85.*

*Be it enacted, &c., as follows:*

SECTION 1. The land office, established for the management and sale of land, belonging to this Commonwealth, in the State of Maine, is hereby abolished.

Office abolished.

SECTION 2. The treasurer and receiver-general of the Commonwealth, shall, hereafter, have and exercise all the powers now by law conferred upon, and perform all the duties now by law required of the land agent.

Treasurer to perform all duties.

SECTION 3. The first section of the tenth chapter of the Revised Statutes, the first section of the two hundred and nineteenth chapter of the acts of the year one thousand eight hundred and forty-six, the first and second sections of the one hundred and ninetieth chapter of the acts of the year one thousand eight hundred and fifty-one, and all other acts and parts of acts inconsistent herewith, are hereby repealed: *provided*, that this repeal shall not be construed to revive any acts or parts of acts repealed in or by any of the acts herein referred to.

Repeal.

Proviso.

SECTION 4. This act shall take effect from and after the first day of January, in the year one thousand eight hundred and fifty-nine.

*Approved March 25, 1858.*

**Chap. 86.** AN ACT IN FURTHER ADDITION TO "AN ACT FOR SUPPLYING THE CITY OF BOSTON WITH PURE WATER."

*Be it enacted, &c., as follows :*

City of Boston  
authorized to  
raise dam at out-  
let of Lake Co-  
chituate, &c.

SECTION 1. The city of Boston is hereby authorized, by and through the agency of the Cochituate Water Board therein, or by and through any other agency, which shall be established therefor by the city council of said city, to raise the dam at the outlet of Lake Cochituate, formerly called Long Pond, lying in the towns of Natick, Wayland and Framingham, two feet above the present height of said dam ; and may also take and hold, from time to time, by purchase or otherwise, any lands or real estate on and around the margin of said lake, not exceeding five rods in width, measuring from the verge of said lake, when the same shall be raised to the level authorized by this act, so far as such lands and real estate may be necessary for the preservation and purity of said lake, for the purpose of furnishing a supply of pure water for said city of Boston.

May hold real  
estate, &c.

Liability for dam-  
ages.

SECTION 2. The said city of Boston shall be liable to pay all damages that shall be sustained by any persons in their property by the taking of any land or real estate, or by the flowage of the lands of any person, as aforesaid ; and in regard to such taking and flowing, and the ascertainment and payment of all such damages, the said city of Boston, and all persons claiming damages, shall have all the rights, immunities and remedies, and be subject to all the duties, liabilities and obligations, which are provided in the one hundred and sixty-seventh chapter of the acts of the year one thousand eight hundred and forty-six, the one hundred and eighty-seventh chapter of the acts of the year one thousand eight hundred and forty-nine, and the three hundred and sixteenth chapter of the acts of the year one thousand eight hundred and fifty.

Act not to take  
effect until ac-  
cepted.

SECTION 3. This act shall not take effect until the same shall have been accepted by the city council of Boston, and also by the inhabitants of the towns of Framingham, Natick and Wayland, at legal meetings to be held for that purpose.

*Approved March 25, 1858.*

**Chap. 87.** AN ACT AUTHORIZING JOHN SOMES TO EXTEND HIS WHARF.

*Be it enacted, &c., as follows :*

May extend  
wharf.

SECTION 1. John Somes is hereby authorized to extend his wharf in the harbor of Gloucester, a distance not exceeding one hundred and sixty-five feet in a southerly direction towards the channel: *provided*, that this grant shall not, in any manner, interfere with the legal rights of any person or persons whatever.

Proviso.

SECTION 2. This act shall take effect from and after its passage.

*Approved March 25, 1858.*

AN ACT AUTHORIZING ROBERT FEARS TO EXTEND HIS WHARF.

*Chap. 88.*

*Be it enacted, &c., as follows :*

SECTION 1. Robert Fears is hereby authorized to extend and maintain his wharf at Duncan's Point, in the harbor of Gloucester, a distance of eighty feet, in a south-westerly direction towards the channel: *provided*, that this grant shall not in any manner interfere with the legal rights of any person or persons whatever.

*May extend wharf.*

*Proviso.*

SECTION 2. This act shall take effect from and after its passage.

*Approved March 25, 1858.*

AN ACT TO INCORPORATE THE CAPE ANN MUTUAL MARINE INSURANCE COMPANY.

*Chap. 89.*

*Be it enacted, &c., as follows :*

SECTION 1. John W. Lowe, Benjamin H. Corliss, and Joseph O. Proctor, their associates and successors, are hereby made a corporation by the name of the Cape Ann Mutual Marine Insurance Company, to be established in the town of Gloucester, for the term of twenty-eight years, for the purpose of making insurance on the mutual principle, against maritime losses; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and all acts now existing, or which may hereafter be passed, relating to mutual insurance companies.

*Corporators.*

*Name.*

*Location.*

*Purpose.*

*Privileges, restrictions, &c.*

SECTION 2. This act shall take effect from and after its passage.

*Approved March 25, 1858.*

AN ACT TO INCORPORATE THE NEW ENGLAND PIPE WORKS.

*Chap. 90.*

*Be it enacted, &c., as follows :*

SECTION 1. William H. Calrow, Josiah B. Richardson, S. T. Sanborn, Benjamin F. Butler, William E. Coffin, Erasmus F. Dana, Jason Braman, and H. K. Moore, their associates and successors, are hereby made a corporation, by the name of the New England Pipe Works, for the purpose of manufacturing steam and gas pipes and fittings, and machinery appertaining thereto; said company to be located in the city of Boston, in the county of Suffolk; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, and in the two hundred and seventy-sixth chapter of the acts of the year one thousand eight hundred and fifty-seven.

*Corporators.*

*Name.*

*Purpose.*

*Location.*

*Privileges, restrictions, &c.*

Real estate not to exceed \$100,000, capital \$200,000.

SECTION 2. The said corporation may hold real estate, not exceeding in amount one hundred thousand dollars; and the whole capital stock thereof, shall not exceed, in amount, two hundred thousand dollars.

No shares issued under par.

SECTION 3. No share in the capital stock of said corporation, shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

SECTION 4. This act shall take effect from and after its passage.

*Approved March 25, 1858.*

**Chap. 91.** AN ACT CONCERNING THE AMHERST AND BELCHERTOWN RAILROAD COMPANY.

*Be it enacted, &c., as follows:*

Time for locating and constructing, extended.

SECTION 1. The time allowed to the Amherst and Belchertown Railroad Company for locating the second section of its railroad, from Amherst to Montague, is hereby extended two years; and the time for constructing the same is hereby extended three years, beyond the periods now fixed by law for the location and construction thereof.

May issue shares as preferred stock &c.

SECTION 2. The said company is hereby authorized to issue any of the remaining shares of capital stock now authorized by law to be issued by said company, not exceeding one thousand in number, as a preferred stock for the purpose of paying the bonds and other debts of the company, of which six hundred shares shall be entitled to such dividends as the company may determine, not exceeding eight per cent. per annum, and the remainder shall be entitled to dividends not exceeding six per cent. per annum; said dividends to be paid out of the first net earnings of the said company.

May change name of company, &c.

SECTION 3. If said company's railroad, fixtures and franchise, now mortgaged to trustees for the security of bond holders, shall be lawfully sold by said trustees for the benefit of said bond holders, the purchasers at such sale are hereby authorized to associate themselves under any name they may assume. Said purchasers, their successors and assigns shall be and remain a body corporate, with all the powers and privileges of the original corporation, and subject to all the duties, restrictions and limitations, set forth in the forty-fourth chapter of the Revised Statutes.

Privileges, restrictions, &c.

Act void unless accepted by majority of stockholders, &c.

SECTION 4. This act shall not take effect unless it shall be accepted by a majority of the stockholders of the Amherst and Belchertown Railroad Company, present and voting at a meeting duly called and notified for that purpose.

*Approved March 25, 1858.*

AN ACT TO INCORPORATE THE TRAVELLER NEWSPAPER ASSOCIATION. *Chap. 92.**Be it enacted, &c., as follows :*

SECTION 1. Roland Worthington, Henry Flanders, Curtis Guild, Duncan McLean, Joseph B. Morss, and Charles C. Hazewell, their associates and successors, are hereby made a corporation by the name of the Traveller Newspaper Association, for the purpose of printing and publishing newspapers, and executing job printing, in the city of Boston ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECTION 2. Said corporation for the purposes aforesaid, may hold real estate to the amount of fifty thousand dollars, and the whole amount of the capital stock shall not exceed one hundred and fifty thousand dollars.

SECTION 3. This act shall take effect from and after its passage.

*Approved March 25, 1858.*AN ACT TO CHANGE THE JURISDICTION IN MATTERS OF PROBATE AND OF INSOLVENCY. *Chap. 93.**Be it enacted, &c., as follows :*

SECTION 1. The office of judge of probate of wills, and for granting letters of administration, and the office of judge of the court of insolvency, as the same are now established by law, in each of the respective counties of the Commonwealth, are hereby abolished ; and there shall be in each county of the Commonwealth a suitable person, learned in the law, appointed and qualified in the manner prescribed by the constitution, to be the judge of probate of wills, and for granting letters of administration, and to be the judge of the court of insolvency for such county, who shall be called the judge of probate and insolvency ; and as vacancies shall occur, the same shall be filled in the manner prescribed in the constitution for appointing and commissioning judicial officers.

SECTION 2. All the jurisdiction and authority that the judges of the probate of wills, and for granting letters of administration now, by law, have and exercise, shall be transferred to, and vested in the judges of probate and insolvency ; and all the provisions of law that now apply to the judges of probate in their respective counties, shall apply in like manner to the judges of probate and insolvency, except so far as the same may be by this act modified or repealed.

SECTION 3. All the jurisdiction and authority which the judges of insolvency, now, by law, have and exercise, shall

Corporators.

Name.

Purpose.

Location.

Privileges, restrictions, &amp;c.

Real estate \$50,000.

Capital not to exceed \$150,000.

Offices of judge of probate and judge of insolvency abolished.

Appointment and tenure of office of judges of probate and insolvency.

Transfer of probate jurisdiction.

Transfer of insolvency jurisdiction.



be transferred to, and vested in, the judges of probate and insolvency, appointed under the provisions of this act; and all the provisions of law which now apply to the judges of insolvency, shall apply in like manner to the judges of probate and insolvency, except so far as the same may be by this act modified or repealed.

Election and tenure of office of registers of probate and insolvency.

SECTION 4. At the annual election in November in the year one thousand eight hundred and fifty-eight, and at the annual election in November of every fifth year thereafter, the legal voters of the several cities and towns in each county shall choose by ballot for their respective counties, a register of probate and insolvency, who shall act as register of the court of probate, and of the court of insolvency, within and for the county for which he shall be so chosen. The registers of probate and insolvency so elected, shall be sworn, and shall hold their offices, respectively, from the first Wednesday of January next following said annual election in November, excepting as hereinafter provided.

Offices of register of probate and register of insolvency abolished.

SECTION 5. The offices of register of probate and of register of insolvency respectively, in the several counties, as they now exist, shall, on the first Wednesday of January, when the registers of probate and insolvency shall enter upon the discharge of their respective duties, be abolished; and all the provisions of law which now apply to the registers of probate and the registers of insolvency respectively, in the several counties, shall apply in like manner to the registers of probate and insolvency in their respective counties, except so far as the same may be modified or repealed by this act.

Provisions of law to apply.

Appointment and tenure of office of assistant registers in certain counties.

SECTION 6. The judge of probate and insolvency in each of the several counties of Suffolk, Middlesex, Worcester, Essex and Norfolk, may appoint some suitable person to act as assistant-register of probate and insolvency in his respective county, who shall hold his office, subject to be sooner removed by the judge, for the term of three years from the time of his appointment; he shall perform his duties under the direction of the register of probate and insolvency, and shall be sworn to the faithful discharge of his duties, and shall pay over to the register, all fees and sums received by him as his assistant, to be accounted for according to law.

Powers and duties of assistant-register.

SECTION 7. Such assistant-register may authenticate papers, and perform such other duties of the register as shall not be performed by him; and in case of the absence, neglect, removal, resignation or death of the register, may

complete and attest any records remaining unfinished, and act as register until a new register be qualified.

SECTION 8. The said registers and assistant-registers of probate and insolvency, respectively, shall each give a bond to the treasurer of the Commonwealth, in a sum not less than five hundred dollars, and not exceeding five thousand dollars, as shall be ordered by the judge of probate and insolvency, with one or more sureties, to be approved by the judge, with condition for the faithful discharge of the duties of their respective offices.

Bond of registers and assistant-registers.

SECTION 9. The preliminary oath, now required by law to be taken by the creditor, in proof of his claim against the estate of the insolvent debtor, may be administered by a justice of the peace: *provided*, that the judge before whom the proceedings are pending, may, at any time, require the personal appearance in court of any party making such affidavit, to be further interrogated, on oath.

Oath of creditor.

Proviso.

SECTION 10. The judges of probate and insolvency in the several counties, shall have original and exclusive jurisdiction of all cases of insolvent debtors, who reside within their respective counties, and shall desire to take the benefit of the acts for the relief of insolvent debtors: *provided*, that when a partnership is insolvent, consisting of two or more partners who may reside in different counties, the judge of probate and insolvency, within whose county either one of the partners may reside, may, on the petition of either one of the partners, or of any one of the creditors of the partnership, take jurisdiction and issue a warrant under the provisions of the acts for the relief of insolvent debtors.

Judges to have exclusive jurisdiction in their several counties.

Proviso.

SECTION 11. The judges of probate and insolvency, in the several counties in the Commonwealth, are hereby authorized, in addition to the places established by law, to hold their courts of insolvency at such fixed times and places as may best promote the convenience of the public.

Times and places of holding courts.

SECTION 12. The provisions of the one hundred and seventy-third chapter of the acts of the year one thousand eight hundred and fifty-six, which now apply to registers of probate, shall, as far as the same may be applicable, hereafter apply to the registers of probate and insolvency, who may be elected and qualified under the provisions of this act.

Act of 1856 to apply.

SECTION 13. The several judges of probate and insolvency, appointed under the provisions of this act, shall receive for their services, annual salaries, to be paid to them respectively, out of the treasury of this Commonwealth, in quarterly payments, on the first days of January, April,

Salaries of judges.

July and October, and in the same proportion for every part of a year, to wit:

<b>Suffolk.</b>	The judge of probate and insolvency for the county of Suffolk, the sum of three thousand dollars;
<b>Middlesex.</b>	The judge of probate and insolvency for the county of Middlesex, the sum of two thousand dollars;
<b>Worcester.</b>	The judge of probate and insolvency for the county of Worcester, the sum of eighteen hundred dollars;
<b>Essex.</b>	The judge of probate and insolvency for the county of Essex, the sum of fifteen hundred dollars;
<b>Norfolk.</b>	The judge of probate and insolvency for the county of Norfolk, the sum of fourteen hundred dollars;
<b>Bristol.</b>	The judge of probate and insolvency for the county of Bristol, the sum of eleven hundred dollars;
<b>Plymouth.</b>	The judge of probate and insolvency for the county of Plymouth, the sum of one thousand dollars;
<b>Berkshire.</b>	The judge of probate and insolvency for the county of Berkshire, the sum of eight hundred dollars;
<b>Hampden.</b>	The judge of probate and insolvency for the county of Hampden, the sum of eight hundred dollars;
<b>Barnstable.</b>	The judge of probate and insolvency for the county of Barnstable, the sum of seven hundred dollars;
<b>Hampshire.</b>	The judge of probate and insolvency for the county of Hampshire, the sum of six hundred and fifty dollars;
<b>Franklin.</b>	The judge of probate and insolvency for the county of Franklin, the sum of six hundred dollars;
<b>Nantucket.</b>	The judge of probate and insolvency for the county of Nantucket, the sum of three hundred dollars;
<b>Dukes County.</b>	The judge of probate and insolvency for the county of Dukes County, the sum of two hundred and fifty dollars.

**Salaries of registers and assistants.**

SECTION 14. The several registers and assistant-registers of probate and insolvency, appointed under the provisions of this act, shall receive for their services, annual salaries, to be paid to them respectively, out of the treasury of the Commonwealth, in quarterly payments, on the first days of January, April, July and October, and in the same proportion for any part of a year, to wit:

<b>Suffolk.</b>	The register of probate and insolvency for the county of Suffolk, the sum of three thousand dollars; The assistant-register for the county of Suffolk, the sum of fifteen hundred dollars;
<b>Middlesex.</b>	The register of probate and insolvency for the county of Middlesex, the sum of fifteen hundred dollars; The assistant-register for the county of Middlesex, the sum of one thousand dollars;

The register of probate and insolvency for the county of Worcester. Worcester, the sum of fifteen hundred dollars;

The assistant-register for the county of Worcester, the sum of one thousand dollars;

The register of probate and insolvency for the county of Essex. Essex, the sum of fifteen hundred dollars;

The assistant-register for the county of Essex, the sum of eight hundred dollars;

The register of probate and insolvency for the county of Norfolk. Norfolk, the sum of one thousand dollars;

The assistant-register for the county of Norfolk, the sum of six hundred dollars;

The register of probate and insolvency for the county of Bristol. Bristol, the sum of thirteen hundred dollars;

The register of probate and insolvency for the county of Plymouth. Plymouth, the sum of one thousand dollars;

The register of probate and insolvency for the county of Hampden. Hampden, the sum of eight hundred dollars;

The register of probate and insolvency for the county of Berkshire. Berkshire, the sum of eight hundred dollars;

The register of probate and insolvency for the county of Hampshire. Hampshire, the sum of seven hundred and fifty dollars;

The register of probate and insolvency for the county of Franklin. Franklin, the sum of seven hundred dollars;

The register of probate and insolvency for the county of Barnstable. Barnstable, the sum of seven hundred dollars;

The register of probate and insolvency for the county of Nantucket. Nantucket, the sum of three hundred dollars;

The register of probate and insolvency for the county of Dukes Co. Dukes County, the sum of two hundred and seventy-five dollars.

SECTION 15. This act shall take effect on the first day of July next, except as to that part which provides for appointing and qualifying the judges of the court of probate and insolvency, which part shall take effect thirty days from the passage hereof.

*Approved March 26, 1858.*

AN ACT IN RELATION TO THE PICKEREL AND PERCH FISHERY IN THE DISTRICT OF MARSHPEE.

*Chap. 94.*

*Be it enacted, &c., as follows:*

SECTION 1. The district of Marshpee is hereby authorized and empowered, at any legal meeting, called and held for that purpose, to make and establish by-laws in relation to the taking of pickerel and perch in any of the ponds in said district, by hooks and lines, at any season of the year.

District may establish by-laws.

May authorize  
selectmen to let  
fishery.

SECTION 2. The said district, at any regular meeting, with notice in the warrant that the subject will be acted on, may authorize the selectmen of said district to let or dispose of the pickerel and perch fishery, or either, within said district, or any part thereof, from time to time, for any term not exceeding one year, to any person, upon such terms as may be by its by-laws fixed and established.

Penalty.

SECTION 3. Any person who shall take or catch any fish, in violation of the provisions of any by-laws established under authority of this act, shall forfeit and pay a fine of not less than one dollar nor more than twenty dollars, for each and every offence, to be recovered by prosecution before any court of competent jurisdiction, one-half to the person prosecuting, and one-half to the said district.

SECTION 4. All acts and parts of acts inconsistent herewith, are hereby repealed.

*Approved March 26, 1858.*

**Chap. 95.** AN ACT IN FURTHER ADDITION TO AN ACT TO REGULATE THE FISHERIES IN THE VICINITY OF NANTUCKET.

*Be it enacted, &c., as follows :*

Acts of 1850 and  
1855 extended.

The provisions of the sixth chapter of the acts of eighteen hundred and fifty, and of the one hundred and fifty-sixth chapter of the acts of eighteen hundred and fifty-five, are hereby extended, and shall apply to the taking of fish, with any kind of net, by any person or persons, within the limits prescribed in the act first above mentioned.

*Approved March 26, 1858.*

**Chap. 96.** AN ACT IN RELATION TO CERTAIN FUNDS BELONGING TO THE COMMONWEALTH, AND THE DISBURSEMENT OF THE INCOME THEREOF.

*Be it enacted, &c., as follows :*

Investment of  
certain funds.

SECTION 1. The Massachusetts School Fund, the State Almshouse Loan Sinking Fund, the fund provided by chapter one hundred and ninety-seven of the acts of the year one thousand eight hundred and fifty-seven, (which fund shall hereafter be known as the "Debt-Extinguishment Fund,") the Indian School Fund, the Todd Normal School Fund, the donation of Henry B. Rogers, (hereafter to be known as the "Rogers Book Fund,") the Charles River and Warren Bridges Fund, and all additions which may be made to said funds, shall continue to be held and invested, and the investments may be altered, according to such acts and resolves as have been or may hereafter be passed relating to said funds, any thing contained in the first chapter of the acts of the present year to the contrary notwithstanding: *provided*, that no part of the income of any of said funds shall be used for any other purpose than to be added to the principal for

Proviso.

the purpose of accumulation, unless in accordance with some specific appropriation as is provided in said first chapter, or unless it is otherwise provided in this act.

SECTION 2. One moiety of the income of the Massachusetts School Fund shall be annually apportioned and distributed among the several cities and towns in this Commonwealth entitled thereto, for the use and support of common schools, in the manner, according to the provisions and under the restrictions, heretofore established by law for such apportionment and distribution, although no specific appropriation thereof be made to this effect; and the other moiety shall furnish the means from which all educational expenses shall be paid, in accordance with such appropriations as may be made in each year; and the balance not required to satisfy such appropriations shall always be added to the principal of the fund.

Distribution of  
income of school  
fund.

SECTION 3. The sums hereinafter mentioned in this section, are appropriated and shall be allowed and paid out of the moiety of the income of the school fund applicable to educational purposes, for the year one thousand eight hundred and fifty-eight, including also unpaid accounts of preceding years, in addition to three thousand six hundred dollars, already appropriated in the eleventh chapter of the acts of the present year; that is to say:

Appropriations  
from school  
fund.

For the support of the four state normal schools, in accordance with the provisions of the resolves of the year one thousand eight hundred and fifty-five, chapter forty-eight, and the resolves of one thousand eight hundred and fifty-seven, chapter eighty-five, a sum not exceeding thirteen thousand five hundred dollars.

Normal schools.

For the support of one or more agents of the board of education, in accordance with the provisions of the resolves of the year one thousand eight hundred and fifty-seven, chapter twenty-two, a sum not exceeding three thousand five hundred dollars.

Agents board of  
education.

For the Massachusetts Teachers' Association, in accordance with the resolves of the year one thousand eight hundred and fifty-three, chapter nine, three hundred dollars; and in accordance with the resolves of the year one thousand eight hundred and fifty-seven, chapter thirty-five, three hundred dollars.

Massachusetts  
Teachers' As-  
sociation.

To supply dictionaries to the schools, in accordance with the resolves of the year one thousand eight hundred and fifty, chapter ninety-nine, a sum not exceeding six hundred dollars.

Dictionaries for  
schools.

For teachers' institutes, in accordance with the acts of the year one thousand eight hundred and forty-six, chapter

Teachers' insti-  
tutes.

ninety-nine, the resolves of the year one thousand eight hundred and fifty, chapter sixty-five, and the resolves of the year one thousand eight hundred and fifty-two, chapter two, a sum not exceeding four thousand two hundred and fifty dollars.

State scholar-  
ships.

For the support of state scholarships, in accordance with the acts of the year one thousand eight hundred and fifty-three, chapter one hundred and ninety-three, four thousand eight hundred dollars.

Aid to attend-  
ants in normal  
schools.

For aid to attendants in the state normal schools, in accordance with the resolves of the year one thousand eight hundred and fifty-three, chapter sixty-two, a sum not exceeding four thousand dollars.

Expenses of sec-  
retary of board of  
education.

For the expenses of the secretary of the board of education, in accordance with the acts of the year one thousand eight hundred and forty-nine, chapter two hundred and fifteen, section third, a sum not exceeding four hundred dollars.

Expenses of mem-  
bers of board of  
education.

For the expenses of the members of the board of education, in accordance with the acts of the year one thousand eight hundred and thirty-eight, chapter fifty-five, a sum not exceeding two hundred dollars.

New England  
School of De-  
sign for women.

For the New England School of Design for Women, in accordance with the resolves of the year one thousand eight hundred and fifty-six, chapter ninety, five hundred dollars.

New England  
Female Medical  
College.

For the New England Female Medical College, in accordance with the resolves of the year one thousand eight hundred and fifty-four, chapter eighty-five, one thousand dollars; and in accordance with the resolves of the year one thousand eight hundred and fifty-five, chapter forty-five, and subject to the conditions therein mentioned, two thousand five hundred dollars.

Indian Schools.

For the support of certain Indian schools, in accordance with the Revised Statutes, chapter twenty-three, section sixty-eight, one hundred dollars; in accordance with the acts of the year one thousand eight hundred and thirty-eight, chapter one hundred and fifty-four, one hundred and forty dollars; in accordance with the resolves of the year one thousand eight hundred and fifty-five, chapter thirty-five, one hundred and sixty-five dollars; in accordance with the resolves of the year one thousand eight hundred and fifty-six, chapter twenty, sixty dollars; chapter twenty-eight, one hundred and four dollars; chapter thirty-four, sixty dollars; making in the aggregate six hundred and twenty-nine dollars.

For county associations of teachers, in accordance with

the acts of the year one thousand eight hundred and forty-eight, chapter three hundred and one, a sum not exceeding seven hundred dollars.

County associations of teachers.

For postage, printing, advertising, stationery, meteorological observations, and all other incidental expenses of the board of education, or of the secretary thereof, a sum not exceeding three thousand eight hundred dollars.

Postage, &c.

And it shall be the duty of all societies, associations and institutions to which money is paid in virtue of appropriations herein made, to make a report to the auditor, on or before the first day of January next, stating particularly the manner in which such money has been disbursed. The auditor shall include an abstract of said statements in his annual report.

Societies, &c., receiving money to report to auditor.

SECTION 4. All payments made for accrued interest upon securities purchased in making new investments of any part of the principal of the Massachusetts School Fund, shall be charged against and deducted from the income of the fund. Such payments, when made before the first day of June in any year, shall be deducted from the income previous to its division into two parts as herein before provided: when made subsequently, they shall be charged against the income to be divided in the next year.

Accrued interest on school fund; how to be charged

SECTION 5. The income of the school fund may be anticipated from the ordinary revenue, whenever this is necessary to carry out the provisions of the third and fourth sections of this act: *provided*, that all sums thus anticipated shall be repaid as soon as practicable; and *provided, further*, that no payments shall be made from the ordinary revenue in any year, in anticipation of the income of the school fund to be earned in the succeeding year.

Income of school fund may be anticipated from ordinary revenue.

Proviso.

SECTION 6. All grants of money from the income of the school fund heretofore made for a specified number of years, shall cease and determine at the expiration of the periods for which they have severally been made, unless annually renewed; and all such grants made for an indefinite period, shall cease and determine with the present year; and upon the determination of such grants the legislature shall have full power in each year to apportion and appropriate the moiety of the income of the school fund applicable to educational purposes, to such objects and by such amounts as shall seem to the legislature in each year best to subserve the educational interests of the Commonwealth.

Grants of money from income of school fund to terminate the present year.

Legislature to have power, &c.

SECTION 7. The income of the Indians' School Fund shall be applied according to the provisions of the acts of the

Income of Indian School Fund; how applied.



year one thousand eight hundred and thirty-seven, chapter eighty-five, section seven.

Income of Todd Normal School Fund; how applied.

SECTION 8. The income of the Todd Normal School Fund shall be paid to the treasurer of the board of education, to be applied in such manner as may be prescribed by said board.

Avails of sales of Back Bay lands to be paid into the treasury and moiety to constitute Back Bay Fund.

SECTION 9. The avails of the sales of lands belonging to the Commonwealth in the Back Bay, shall be paid into the treasury, to be held, invested and applied in accordance with the provisions of the resolves of the year one thousand eight hundred and fifty-seven, chapter seventy; and the moiety of such avails, which, by the provisions of said chapter, inures immediately to the use of the Commonwealth, shall constitute a fund (to be known as the "Bay Lands Fund") to be employed for the redemption of the scrip issued in the year one thousand eight hundred and fifty-six, in accordance with the provisions of the third section of chapter two hundred and thirty-five of the acts of that year.

Income of Rogers Book Fund; how expended.

SECTION 10. The income of the Rogers Book Fund shall be annually expended, in accordance with the conditions named by the donor, in conformity with chapter two hundred and fifteen of the acts of the year one thousand eight hundred and fifty-seven.

Toll to cease on Charles River and Warren Bridges when fund reaches \$100,000.

SECTION 11. Whenever the Charles River and Warren Bridges Fund shall have reached the sum of one hundred thousand dollars, and all accounts and charges upon said fund shall have been paid and settled, the governor shall issue his proclamation, declaring that the collection of tolls shall cease from and after such day as he may appoint,—and the tolls shall continue to be levied until the time thus appointed by the governor; and said sum of one hundred thousand dollars shall be set apart and preserved as a permanent fund, and the income thereof alone shall, annually, be expended for the maintenance and support of the bridges, according to such appropriations as may be made in each year by the legislature.

Sums appropriated from fund of Charles River and Warren Bridges.

SECTION 12. The sums mentioned in this section are appropriated, and shall be allowed and paid out of the Charles River and Warren Bridges Fund, in accordance with the provisions of chapter four hundred and fifty-one of the acts of the year one thousand eight hundred and fifty-four; that is to say:

Unpaid accounts of 1857.

To meet certain unpaid accounts of the year one thousand eight hundred and fifty-seven, one thousand seven hundred and nineteen dollars and eighty-six cents.

For collecting tolls, a sum not exceeding four thousand dollars. Collecting tolls.

For attending draws and horse-keeping, a sum not exceeding three thousand dollars. Attending draws, &c.

For gas, oil, fluid and fuel, a sum not exceeding one thousand five hundred dollars. Gas, oil, &c.

For the compensation of the agent of the Charles River and Warren Bridges, one thousand two hundred and fifty dollars. Pay of agent.

For repairs, a sum not exceeding one thousand dollars. Repairs.

For incidental expenses, a sum not exceeding three hundred dollars. Incidentals.

SECTION 13. The auditor is hereby authorized to hear and examine the claim of William F. Veazie, for damages alleged to have been sustained by him in consequence of repairs upon Warren Bridge, in the years one thousand eight hundred and fifty-five and one thousand eight hundred and fifty-six; and the auditor may make such allowance for said damages as may seem to him just and equitable, not exceeding the sum of one hundred and thirty-four dollars and thirty-eight cents, which sum, or so much thereof as may be necessary, is hereby appropriated out of the Charles River and Warren Bridges Fund, to be paid, as aforesaid, in the settlement of said Veazie's claim. Auditor to examine claim of Wm. F. Veazie, &c.

SECTION 14. Any claim for repairs, damages, or services of any kind, the payment of which would be chargeable upon the Charles River and Warren Bridges Fund, which claim shall not have been presented either to the agent of said bridges, or to the auditor, before the time when the collection of tolls ceases, shall be held to be released as against the Commonwealth or its servants. Claim for repairs, &c. to be released unless presented before tolls cease.

SECTION 15. In any case for which no other provision is made by law, the income of all funds belonging to the Commonwealth shall be added to the principal. Income of state funds to be added to principal in certain cases.

SECTION 16. All acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed.

SECTION 17. This act shall take effect from and after its passage.

*Approved March 26, 1858.*

AN ACT CONCERNING THE MIDDLESEX MUTUAL FIRE INSURANCE COMPANY.

*Chap. 97.*

*Be it enacted, &c., as follows:*

SECTION 1. The Middlesex Mutual Fire Insurance Company, in the town of Concord, is hereby authorized to accept the extension of its charter, and to file a notice of such acceptance with the secretary of the Commonwealth, on or

Notice to be filed with secretary of Commonwealth.

before the first day of July next; and such acceptance and the filing notice of the same, shall have the same effect as if they had been done agreeably to the requirements of the statutes of this Commonwealth regulating the business of insurance companies.

SECTION 2. This act shall take effect from and after its passage.

*Approved March 26, 1858.*

**Chap. 98.** AN ACT CONCERNING THE BOWDOIN MUTUAL INSURANCE COMPANY.  
*Be it enacted, &c., as follows:*

Act to be accepted within sixty days.

SECTION 1. The corporation established by chapter two hundred and eighty-seven of the acts of the year one thousand eight hundred and fifty-six, is hereby authorized to accept said act and organize under the same, within sixty days from the passage of this act; and said acceptance and organization shall have the same force and effect, as they would have had if the same had been done within one year from the passage of said act.

SECTION 2. This act shall take effect from and after its passage.

*Approved March 26, 1858.*

**Chap. 99.** AN ACT RELATING TO THE ASSESSMENT OF TAXES IN THE TOWN OF NEWBURY.

*Be it enacted, &c., as follows:*

Assessment of taxes legalized.

SECTION 1. The assessments of taxes, made by the assessors of taxes of the town of Newbury, for the year one thousand eight hundred and fifty-five, and the taxes, as assessed by said assessors for that year, are declared and made legal and valid.

No suits to be sustained.

SECTION 2. No suit at law or in equity hereafter commenced, so far as the cause thereof accrues from any irregularity or defect in the assessments of taxes, in and for said town, for said year one thousand eight hundred and fifty-five, shall be sustained; and this act may be pleaded in bar of any such suit, so far as the cause thereof accrues from any such irregularity or defect.

SECTION 3. This act shall take effect from and after its passage.

*Approved March 26, 1858.*

**Chap. 100** AN ACT RESPECTING THE WESTERN RAILROAD SINKING FUND.  
*Be it enacted, &c., as follows:*

Investments to be made in bonds and public securities.

SECTION 1. All future investments of moneys belonging to the Western Railroad sinking fund shall be made in the following securities, to wit:

The bonds of the Commonwealth, for the redemption of which said sinking fund is provided:

Other bonds of the Commonwealth:

The public securities of the United States:

The public securities of the state of New York:

The public securities of either of the states of New England:

The public securities of the cities or towns of this Commonwealth.

SECTION 2. The commissioners of the Western Railroad sinking fund, are hereby required to collect, as soon as may be, all loans which are overdue, or shall hereafter become due, and re-invest the same in conformity with the first section of this act.

Commissioners to collect loans overdue and reinvest.

SECTION 3. This act shall take effect from and after its passage.

*Approved March 26, 1858.*

AN ACT TO INCORPORATE THE MISHAWUM LITERARY ASSOCIATION.

*Chap. 101*

*Be it enacted, &c., as follows:*

SECTION 1. Benjamin Y. Pippey, Charles F. Smith, Alphonso L. Paine and William H. Finney, their associates and successors, are hereby made a corporation by the name of the Mishawum Literary Association, of Charlestown, for the purpose of mutual literary improvement; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, as set forth in the forty-fourth chapter of the Revised Statutes.

Corporators.

Name.

Location.

Purpose.

Privileges, restrictions, &c.

SECTION 2. The said corporation may hold real and personal estate for the purposes aforesaid, not exceeding in all, the sum of twenty thousand dollars, the legal title to which shall vest in a prudential committee, consisting of five persons, two of whom shall be the president and vice-president of the corporation; the remaining three shall be elected as prescribed by the by-laws of the corporation, excepting that no person shall be a member of the prudential committee unless such person shall be above twenty-one years of age.

Real and personal estate not to exceed \$20,000.

Title to vest in prudential committee, &c.

SECTION 3. Persons engaged in mercantile, mechanical, or other laudable occupations, and above the age of fifteen years, and none others, shall be eligible as members of the corporation, and entitled to vote and act as officers; excepting that in no case shall a person under twenty-one years of age be a member of the prudential committee.

Persons eligible.

*Approved March 26, 1858.*

AN ACT TO INCORPORATE THE WINTHROP MUTUAL FIRE INSURANCE COMPANY.

*Chap. 102*

*Be it enacted, &c., as follows:*

SECTION 1. Henry Rice, Samuel Whitwell, George O. Hovey, their associates and successors, are hereby made a

Corporators.

**Name.** corporation by the name of the Winthrop Mutual Fire Insurance Company, to be established in the city of Boston,  
**Location.** for the term of twenty-eight years, for the purpose of insuring dwelling-houses and other buildings, and personal property, against loss or damage by fire; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all acts now existing, or which may hereafter be passed, relating to mutual fire insurance companies.

**Privileges, restrictions, &c.**

SECTION 2. This act shall take effect from and after its passage.

*Approved March 26, 1858.*

**Chap. 103** AN ACT IN ADDITION TO THE SEVERAL ACTS IN RELATION TO THE POLICE COURT OF THE CITY OF NEW BEDFORD.

*Be it enacted, &c., as follows :*

**Salary of standing justice.**

SECTION 1. The standing justice of the police court of the city of New Bedford, shall receive an annual salary of not less than twelve hundred dollars, the amount of which, if above that sum, shall be established from time to time, but not oftener than once in each year, by the concurrent vote of the two branches of the city council of said city; and said salary shall be paid to him in quarterly payments, out of the treasury of said city, and shall be in full for all services which he is now or may hereafter be required or authorized to perform as said justice.

**Compensation of special justices.**

SECTION 2. Whenever the said police court shall be held by either of the special justices thereof, the said special justice shall receive in compensation for his services, the sum of five dollars for each day he so holds said court, to be paid in the manner by law provided for the payment of the salary of the said standing justice; and the amounts so paid shall be deducted from the salary of the said standing justice: and the fees which the special justices are now by law entitled to receive, shall be received by the clerk of said court, and accounted for and paid into the treasury of the city of New Bedford, as now provided with regard to other fees.

**Fees to be paid into city treasury.**

SECTION 3. Neither the standing justice, nor either of the special justices, nor the clerk of said court, in their official capacities, or acting as justices of the peace, shall receive to their own use any fees or compensation, for making, receiving or issuing any complaint, warrant, subpoena or other criminal process; but the fees which they are now by law entitled to receive for such services, shall be collected and received by the said clerk, and by him accounted for

and paid into the treasury of the city of New Bedford, with the other fees in criminal cases; and no fees shall hereafter be allowed to any justice of the peace, for issuing warrants or other criminal process, in case of offences committed in said city; but the same shall be accounted for and paid into the treasury of said city.

SECTION 4. Neither of the said special justices shall be retained or employed as counsel or attorney in any court, in any criminal prosecution, complaint or proceeding pending in said police court, or which has been heard, tried or determined in said court. Special justices not to be of counsel.

SECTION 5. All acts and parts of acts, inconsistent with this act, are hereby repealed.

SECTION 6. This act shall take effect on and after the first day of April next.

*Approved March 26, 1858.*

AN ACT CONCERNING OFFICERS ATTENDING ON THE SUPREME JUDICIAL COURT, IN THE COUNTY OF SUFFOLK.

*Chap. 104*

*Be it enacted, &c., as follows:*

Officers attending upon the supreme judicial court, in the county of Suffolk, shall receive as compensation therefor, such sum as may be allowed by said court, not exceeding three dollars per day: *provided*, that this act shall not apply to any deputy of the sheriff of said county. Compensation of officers.

*Approved March 26, 1858.*

AN ACT TO INCREASE THE CAPITAL STOCK OF THE PACIFIC MILLS.

*Chap. 105*

*Be it enacted, &c., as follows:*

SECTION 1. The Pacific Mills are hereby authorized to increase their capital stock, by adding thereto a sum not exceeding one million dollars; and to invest the same in such real and personal estate, as may be necessary and convenient for the purposes for which they were incorporated. Additional capital authorized.

SECTION 2. No stock shall be issued under this act for a less sum or amount, to be actually paid in on each, than the par value of the original shares. No shares issued under par.

*Approved March 26, 1858.*

AN ACT TO PROVIDE FOR THE PRESERVATION OF BOOKS, REPORTS AND LAWS, RECEIVED BY CITIES AND TOWNS FROM THE COMMONWEALTH.

*Chap. 106*

*Be it enacted, &c., as follows:*

SECTION 1. It shall be the duty of the city government of the several cities, and of the selectmen of the several towns in this Commonwealth, to provide at the expense of such cities and towns, some suitable cabinet or book-case, for the safe preservation of such books, reports and laws, as said cities and towns may receive from the Commonwealth. City and town authorities to provide cabinet, &c.

Penalty.

SECTION 2. For every month that any city or town shall neglect to fulfil the requirements of this act, it shall forfeit and pay the sum of ten dollars, one-half of which penalty shall be paid to the complainant, and one-half to the Commonwealth.

SECTION 3. This act shall go into effect on the first day of July next.

*Approved March 26, 1858.*

### Chap. 107

AN ACT IN ADDITION TO "AN ACT CONCERNING THE DUTIES OF ASSESSORS."

*Be it enacted, &c., as follows :*

Assessors to deposit with clerk a list of persons assessed.

Whenever the assessors of any city or town, shall, after having committed their tax-list to the collector, assess any tax to any person, under the provisions of the one hundred and sixty-ninth chapter of the acts of the year eighteen hundred and fifty-two, they shall, five days at least, before any election, prepare and deposit with the clerk of such city or town, a true list of all persons so assessed.

*Approved March 26, 1858.*

### Chap. 108

AN ACT IN ADDITION TO AN ACT TO PROVIDE FOR THE MAINTENANCE OF THE ESSEX BRIDGE.

*Be it enacted, &c., as follows :*

In case Salem or Beverly neglect to accept act referred to, executive to ascertain, &c.

SECTION 1. In case the city of Salem or the town of Beverly, or either of them, or their officers mentioned in said act, shall neglect or decline to accept the act to which this is in addition, or to elect trustees as therein mentioned, on or before the time provided for in the second section thereof, the governor and council are hereby authorized and directed to ascertain whether the said bridge is delivered up in good repair to and for the use of this government, agreeably to the provisions of the act incorporating the proprietors of said bridge ; and in case the same shall be found to be so delivered up, then the treasurer and receiver-general, is authorized to execute the instrument of release mentioned in the first section of said act.

Governor to appoint agent.

SECTION 2. In case of the non-acceptance of the act to which this is in addition, and of the delivery of the bridge in manner provided in the first section hereof, the governor, by and with the consent of the council, shall immediately on such delivery, appoint an agent, and determine his salary, which shall in no case exceed twelve per centum of the gross proceeds of the tolls hereafter mentioned ; and it shall be the duty of said agent, for and on behalf of the Commonwealth, to take charge of, manage and repair said bridge, collect the tolls thereon, manage the draw, and conduct the

Duties of agent, &c.

affairs thereof in the same manner as the proprietors of said bridge are now required by law to do. Said agent shall give bonds to the satisfaction of the governor and council for the faithful discharge of his duties.

SECTION 3. Tolls upon said bridge are hereby continued Rates of toll. and established, until they shall be discontinued under the provisions of this act, at and after the following rates, to wit:

For each person and horse, three cents;

For each chaise, or other pleasure carriage or sleigh, drawn by one horse, six cents;

For each coach, or other pleasure carriage or sleigh, or carriage or sleigh for passengers, drawn by two horses, twelve cents;

For each additional horse, two cents;

For each cart, wagon, sled or sleigh, or other carriage of burden, drawn by not more than two horses or yokes of cattle, five cents;

For each cart, wagon, sled or sleigh, or other carriage of burden, drawn by more than two horses or yokes of cattle, eight cents;

For horses or neat cattle, exclusive of those rode or in carriages, two cents each;

For sheep and swine, after the rate per dozen of six cents:

And said agent is hereby authorized to collect and receive the same.

The said agent shall be, and he hereby is, authorized and empowered to issue commutation passes, for not more than three successive months, which shall permit the holders thereof to pass and repass said bridge once each way daily, upon prepayment of the tolls for said three months, at the rate of two-thirds of the tolls herein established, or to pass and repass said bridge any number of times greater than once each way daily, at one-half the rates herein established, upon the prepayment of the tolls for three months as aforesaid. The tolls aforesaid may be renewed in the case mentioned in the sixth section hereof.

Agent may issue commutation passes, &c.

SECTION 4. From the aforesaid tolls, the said agent shall disburse all sums necessary for the repair, maintenance, improvement or construction of said bridge, in the same manner as the proprietors of said bridge are now by law required to do. He shall quarterly, on the first days of January, April, July and October, in each year, account for all tolls received and all disbursements made by authority of this act, and pay over to the treasurer and receiver-general of the Commonwealth, the balance remaining in his hands;

Agent to disburse from tolls all sums for repairs, &c.

Agent to render account, quarterly, of all expenses, &c.



and said accounts shall be subject to examination and approval by the auditor of the Commonwealth.

Treasurer to receive all moneys from tolls, and credit to bridge fund.

SECTION 5. The treasurer and receiver-general shall receive the proceeds of the tolls aforesaid, and shall pass the same to the credit of a fund to be denominated the Essex Bridge Fund; and the same shall be invested in the name of such fund in good securities on interest, to which shall be added from time to time, the interest accruing and paid thereon.

Tolls to cease when fund amounts to \$30,000, &c.

SECTION 6. Whenever said Essex Bridge Fund shall amount to the sum of thirty thousand dollars, the tolls upon said bridge shall cease, and all necessary disbursements, as is herein before provided, including the compensation of the agent aforesaid, shall thereafter be paid from said fund; and if at any time the same shall be reduced to the sum of twenty-five thousand dollars, then the tolls herein established shall be again collected, until said fund shall amount to thirty thousand dollars.

SECTION 7. All acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed.

*Approved March 26, 1858.*

### Chap. 109

#### AN ACT CONCERNING THE WRIT OF CERTIORARI.

*Be it enacted, &c., as follows:*

Decree in writ of certiorari.

Whenever the proceedings of any tribunal shall be brought before the supreme judicial court by a writ of certiorari, the said court may quash or affirm such proceedings or enter such judgment as the court below should have rendered, or make such order, judgment or decree in the premises, as law and justice shall require.

*Approved March 26, 1858.*

### Chap. 110

#### AN ACT CONCERNING THE STATE INDUSTRIAL SCHOOL FOR GIRLS.

*Be it enacted, &c., as follows:*

Trustees to have power to bind out girls as apprentices.

SECTION 1. The trustees of the State Industrial School for Girls shall have power to bind out all girls committed to their charge, for any term of time during the period for which they shall have been committed, as apprentices or servants; and the said trustees, and master or mistress, apprentice or servant, shall respectively, have all the rights and privileges, and be subject to all the duties, set forth in the eightieth chapter of the Revised Statutes, in the same manner as if said binding or apprenticing were made by overseers of the poor.

Repeal.

SECTION 2. The fourteenth section of the act to establish a State Reform School for Girls, being the four hundred

and forty-second chapter of the acts of eighteen hundred and fifty-five, is hereby repealed.

SECTION 3. This act shall take effect from and after its passage.

*Approved March 26, 1858.*

AN ACT TO ESTABLISH THE SALARY OF THE DISTRICT-ATTORNEY FOR THE MIDDLE DISTRICT. Chap. 111

*Be it enacted, &c., as follows:*

SECTION 1. The salary of the district-attorney for the Middle District, so called, embracing the county of Worcester, shall hereafter be thirteen hundred dollars; to be paid in the manner by law provided.

Salary established.

SECTION 2. This act shall take effect from and after its passage.

*Approved March 27, 1858.*

AN ACT CONCERNING THE REMOVAL OF PRISONERS IN THE PUBLIC INSTITUTIONS OF THE CITY OF BOSTON. Chap. 112

*Be it enacted, &c., as follows:*

The board of directors for public institutions of the city of Boston, comprising the house of correction, house of industry, house of reformation and lunatic hospital, is hereby authorized, at its discretion, to transfer from any one of the said institutions, to any other of said institutions, any prisoner sentenced to either of the same: *provided*, the assent of the court or magistrate, that committed said prisoner, shall first be obtained to such removal.

Directors authorized to transfer prisoners from one institution to another.

Provided.

*Approved March 27, 1858.*

AN ACT AUTHORIZING THE CITY OF BOSTON TO ESTABLISH A CITY HOSPITAL. Chap. 113

*Be it enacted, &c., as follows:*

SECTION 1. The city of Boston is hereby authorized to erect, establish and maintain a hospital for the reception of persons who by misfortune or poverty may require relief during temporary sickness.

Authorized to establish hospital.

SECTION 2. The city council of said city shall have power to make such ordinances, rules and regulations, as they may deem expedient, for the appointment of trustees, and all other necessary officers, agents and servants, for managing the said hospital.

Appointment of officers, &c.

SECTION 3. Said hospital shall not be erected or located within three hundred feet of any school-house or church now built.

Location.

SECTION 4. This act shall take effect from and after its passage.

*Approved March 27, 1858.*

**Chap. 114** AN ACT IN ADDITION TO AN ACT TO PUNISH FRAUDS IN OFFICERS OF CORPORATIONS.*Be it enacted, &c., as follows :*

Penalty for fraudulent issue or transfer of bond, note, &c.

Any officer, agent, clerk or servant of any corporation, or any other person, who shall issue, or sign, or endorse with intent to issue, any bond, note, bill or other obligation or security, in the name of such corporation, beyond the amount authorized by law, or limited by the legal votes of such corporation or its proper officers, or shall negotiate, transfer or dispose of such bond, note, bill or other obligation or security, with intent to defraud, shall be punished by imprisonment in the state prison for a term not exceeding ten years, or in the house of correction not exceeding one year.

*Approved March 27, 1858.***Chap. 115** AN ACT REQUIRING CERTAIN ADDITIONAL BANK RETURNS.*Be it enacted, &c., as follows :*

Annual returns to distinguish between bills over and under \$5.

SECTION 1. In the annual returns of banks now required by law to be made to the secretary of the Commonwealth, a distinction shall be made between bills in circulation of five dollars and upwards, and those of a smaller denomination, showing the aggregate amount of each.

To specify amount of balances between country banks for redemption of their bills.

SECTION 2. Such returns shall hereafter also specify the amount of balances, which any bank out of the city of Boston, including the banks in South Boston, may have in any other bank at the time, when such return is made, to be applied to the redemption of its bills, and not bearing interest; and the secretary of the Commonwealth is hereby instructed to furnish blanks in conformity with the provisions of this act.

SECTION 3. All acts and parts of acts inconsistent with this act, are hereby repealed.

*Approved March 27, 1858.***Chap. 116** AN ACT CONCERNING THE OFFICERS OF THE PROTESTANT EPISCOPAL CHURCH.*Be it enacted, &c., as follows :*

Wardens and vestry to have powers of standing committee, &c.

Parishes and religious societies belonging to the body of Christians known as the Protestant Episcopal Church, heretofore organized under the laws of this Commonwealth, or which may hereafter be so organized, need not choose a standing committee, but the wardens, or wardens and vestry may exercise all the powers of a standing committee, in accordance with the usage and discipline of said church; and, instead of a moderator, the rector, or one of the wardens, unless it may be otherwise provided by some by-laws, may preside at their meetings, with all the powers of a

Duties of assessors may be performed by wardens, &c.

moderator ; and such societies need not choose a collector or assessors unless they shall assess or collect a tax on the polls, estates or pews, of the members thereof, and in any case may, by by-laws, provide that the duties of the assessors shall be performed by the wardens: *provided, however, that* the officers upon whom may devolve the duties of standing committee or assessors, shall in all cases be chosen by ballot.

*Provido.*

*Approved March 27, 1858.*

#### AN ACT CONCERNING GUARDIANS AND WARDS.

#### Chap. 117

*Be it enacted, &c., as follows :*

SECTION 1. Whenever any minor, spendthrift, or insane person, shall remove out of this Commonwealth, it shall be lawful and competent for any guardian of such minor, spendthrift, or insane person, appointed by any probate court in this Commonwealth, to pay over and transfer the whole or any part of his property to any guardian or trustee, or to any person who may be appointed guardian or trustee, by the competent authority in the state to which the residence of his ward may have been removed, upon such terms and in such manner as the supreme judicial court, sitting in any county, upon bill or petition filed therefor, shall order and decree.

*By order of court guardian may transfer property of ward removing from this state.*

SECTION 2. This act shall take effect from and after its passage.

*Approved March 27, 1858.*

#### AN ACT TO FIX THE SALARIES OF THE DISTRICT-ATTORNEYS FOR THE NORTHERN, EASTERN AND SOUTHERN DISTRICTS.

#### Chap. 118

*Be it enacted, &c., as follows :*

SECTION 1. The annual salaries of the district-attorneys for the northern, eastern and southern districts, shall hereafter be fifteen hundred dollars each ; to be paid to them respectively, out of the treasury of the state, in quarterly payments, and in that proportion for any part of a quarter.

*Salaries established.*

SECTION 2. Chapter two hundred and twenty-six of the acts of the year one thousand eight hundred and fifty-seven, is hereby repealed.

*Repeal.*

SECTION 3. This act shall take effect from and after its passage.

*Approved March 27, 1858.*

#### AN ACT CONCERNING THE PREFERRED CLAIMS OF OPERATIVES AGAINST INSOLVENT DEBTORS AND CORPORATIONS.

#### Chap. 119

*Be it enacted, &c., as follows :*

SECTION 1. Any person who shall have performed any labor as an operative in the service of any insolvent person or corporation, shall be entitled to prove as a preferred debt,

*Claims of operatives for labor to be preferred debts, to amount of \$50.*

Proviso.

and to receive from the assignee of such insolvent, the full amount of the wages due to him for such labor, not exceeding fifty dollars: *provided*, that such labor shall have been performed within one year next preceding the first publication of the notice of insolvency by the messenger; and *provided, further*, that this limitation to one year shall not apply to any claim for labor, for the recovery of which, any suit commenced within one year next after the performance of such labor, shall be pending, or shall have been terminated within one year.

Not to apply to cases pending.

SECTION 2. This act shall take effect from and after its passage, but shall not apply to any case in insolvency pending at the time the law takes effect. *Approved March 27, 1858.*

**Chap. 120** AN ACT IN RELATION TO THE COURT OF COMMON PLEAS FOR THE COUNTY OF WORCESTER.

*Be it enacted, &c., as follows:*

Time and place of holding terms of court changed.

SECTION 1. The term of the court of common pleas, now by law to be holden at Worcester, within and for the county of Worcester, on the third Monday of June in each year, shall hereafter be holden at Fitchburg in said county, on the second Monday of June, annually; and the term of said court, now by law to be holden at said Worcester, on the first Monday of December, in each year, shall hereafter be holden at the same place, on the second Monday of December, annually; and the term of said court now by law to be holden at Fitchburg aforesaid, on the fourth Monday of October, in each year, shall hereafter be holden at the same place, on the second Monday of November, annually.

Repeal.

SECTION 2. So much of the two hundred and ninety-eighth chapter of the acts passed in the year eighteen hundred and fifty-six, as requires that a term of the court of common pleas shall be holden at Fitchburg, in and for the county of Worcester, on the first Monday of February, annually, is hereby repealed.

SECTION 3. This act shall take effect on the first day of August next. *Approved March 27, 1858.*

**Chap. 121** AN ACT CONCERNING DISCHARGES IN INSOLVENCY.

*Be it enacted, &c., as follows:*

Debtor not obtaining consent of creditors nor taking requisite oath, may be discharged by order of court when such want of assent was occasioned by accident, &c.

SECTION 1. When any insolvent debtor, whose discharge shall have been refused, at the third meeting of his creditors, for the sole reason that the requisite majority of his creditors had not seasonably assented thereto, or for the reason that the insolvent had not taken the oath required by the seventh section of the one hundred and sixty-third chapter of the

acts of the year eighteen hundred and thirty-eight, shall satisfy the judge of insolvency on a hearing and after public notice thereof, that such want of assent was occasioned by accident or mistake, unaccompanied by any fault of the insolvent; or that such omission to take the oath was owing to the inability of the insolvent to attend and take the same, by reason of the sickness of the insolvent, the judge may, in the exercise of his discretion, with the written assent of three-fourths, in number and value, of the creditors, who shall have proved their claims, grant a discharge to the insolvent, at a subsequent meeting of the creditors, if the insolvent shall then be present, take the oath aforesaid, and abide and perform all lawful orders of the court in the premises: *provided*, that such discharge shall not be granted unless the same shall be applied for within twelve months after the date of the assignment. Proviso.

SECTION 2. This act shall take effect from and after its passage.

*Approved March 27, 1858.*

AN ACT IN RELATION TO SPECIAL ADMINISTRATORS.

*Chap. 122*

*Be it enacted, &c., as follows :*

SECTION 1. Whenever, by reason of a suit concerning the proof of a will, or from any other cause, there shall be a delay in granting letters testamentary, and a special administrator shall be appointed, the judge of probate for the county in which such special administrator shall have been appointed, may, in his discretion, authorize such administrator to take charge of the real estate, or of any part thereof, of the decedent, and to collect the rents, make all necessary repairs, and do all other things which the said judge may deem needful for the preservation thereof, and as a charge thereon.

Judge of probate may authorize administrator to take charge of real estate of decedent.

SECTION 2. This act shall take effect from and after its passage.

*Approved March 27, 1858.*

AN ACT TO CHANGE THE NAME OF THE QUINCY FIRE AND MARINE INSURANCE COMPANY.

*Chap. 123*

*Be it enacted, &c., as follows :*

The Quincy Fire and Marine Insurance Company, shall hereafter be called and known by the name of the Chauncy Fire and Marine Insurance Company.

Name changed.

*Approved March 27, 1858.*

AN ACT TO INCORPORATE THE WASHINGTON MILLS.

*Chap. 124*

*Be it enacted, &c., as follows :*

SECTION 1. George W. Lyman, Ignatius Sargent, William Appleton, Thomas G. Carey, Benjamin F. Butler, their

Corporators.

Name. associates and successors, are hereby made a corporation by the name of the Washington Mills, for the purpose of manufacturing cotton, woolen and mixed goods, in the city of Lawrence; and for that purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, and in the two hundred and seventy-sixth chapter of the acts of the year one thousand eight hundred and fifty-seven.

Real estate  
\$1,500,000, whole  
capital not to ex-  
ceed \$2,000,000.

SECTION 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of fifteen hundred thousand dollars, and the whole capital stock thereof shall not exceed in amount two million dollars.

No shares issued  
under par.

SECTION 3. No share in the capital stock of said corporation, shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

SECTION 4. This act shall take effect from and after its passage.

*Approved March 27, 1858.*

### Chap. 125 AN ACT TO INCORPORATE THE LINDEN GROVE CEMETERY ASSOCIATION.

*Be it enacted, &c., as follows :*

Corporators.

SECTION 1. C. A. Church, Peleg W. Peckham, Jonathan P. Gifford, their associates and successors, are hereby made a corporation, by the name of the Linden Grove Cemetery Association, for the purpose of establishing and perpetuating a place for the burial of the dead, to be located in the town of Westport, in the county of Bristol; and shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Name.

Purpose.

Location.

Privileges, re-  
strictions, &c.

Real and personal  
estate not to  
exceed \$5,000.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount the sum of five thousand dollars.

SECTION 3. This act shall take effect from and after its passage.

*Approved March 27, 1858.*

### Chap. 126 AN ACT TO INCORPORATE THE BATTERY WHARF COMPANY.

*Be it enacted, &c., as follows :*

Corporators.

SECTION 1. John Revere, Frederic W. Lincoln, Paul J. Revere, their associates and successors, are hereby made a corporation by the name of the Battery Wharf Company, with power to purchase and hold in fee simple, the premises and estate known as Battery Wharf, in Boston, in the county of Suffolk, and the whole or parts of the land or flats sit-

Name.

Power.

uated and lying between the land of the Constitution Wharf Company, on the north side, Commercial Street, on the west side, and the line of the street or way now leading to the People's Ferry, and the continuation of said line to the commissioners' line on the south side; with all the privileges and appurtenances to the same belonging. And the said company may construct docks and wharves upon said premises, lay vessels within and at the sides and ends thereof, and receive dockage and wharfage therefor, and improve and manage said property in such manner as to it shall seem expedient; and may sell and convey the same, or any part thereof: *provided*, that nothing herein contained shall authorize the said company to infringe upon the legal rights of any person, or to build any wharf or other structure not now authorized by law on the premises.

Location.

Privileges.

May construct docks, &amp;c.

Proviso.

SECTION 2. The capital of said company shall consist of eight hundred shares, of five hundred dollars each; and no shares shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

Capital \$400,000.

No shares issued under par.

SECTION 3. Said company shall have power at any time hereafter, with the consent of the Constitution Wharf Company, to unite with the same, and to form therewith one incorporated company, possessed of all the rights, powers and property of which the two corporations may be possessed at the time of the union, upon such terms and under whichever of the aforesaid names the corporations may adopt.

May unite with Constitution Wharf Co.

SECTION 4. Said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, except as aforesaid, set forth in the forty-fourth chapter of the Revised Statutes.

Privileges, restrictions, &amp;c.

Approved March 27, 1858.

## AN ACT TO INCORPORATE THE WARD MILLS.

## Chap. 127

Be it enacted, &amp;c., as follows :

SECTION 1. Franklin H. Delano, Caleb Barstow, Warren Delano, junior, their associates and successors, are hereby made a corporation by the name of the Ward Mills; for the purpose of manufacturing cotton, woolen and silk cloth and yarn, at Indian Orchard, in Springfield, in the county of Hampden; and for that purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, and in the two hundred and seventy-sixth chapter of the acts of the year one thousand eight hundred and fifty-seven.

Corporators.

Name.

Purpose.

Location.

Privileges, restrictions, &amp;c.



Real estate,  
\$350,000.

Whole capital not  
to exceed \$600,-  
000.

No shares issued  
under par.

SECTION 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of three hundred and fifty thousand dollars, and the whole capital stock of said corporation shall not exceed in amount, six hundred thousand dollars.

SECTION 3. No shares in the capital stock of said corporation, shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

*Approved March 27, 1858.*

**Chap. 128** AN ACT TO INCORPORATE THE EAST DOUGLAS EVERGREEN CEMETERY COMPANY.

*Be it enacted, &c., as follows :*

Corporators.

SECTION 1. Moses Knapp, Otis W. Hunt, Warren Hunt, Aaron M. Hill, Charles Hutchins, Albert Butler, Fenner Batcheller, Asa Thayer, Leander B. Hunt, Anderson Hunt, Edwin Moore, Joseph Hunt, Royal Keith, Jeremiah Batcheller, Joseph Batcheller, Dexter Whipple, Jeremiah B. Luther, Coriden Prentice, Lysander P. Hunt and Charles A. Hunt, their associates and successors, are hereby made a corporation, by the name of the East Douglas Evergreen Cemetery Company ; and said corporation shall have all the powers, and be subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, except as is otherwise provided in this act.

Name.

Privileges, re-  
strictions, &c.

May hold real es-  
tate in Douglas.

SECTION 2. The said corporation may take and hold by purchase, or otherwise, in fee simple, for the purposes hereinafter provided, so much real estate in the town of Douglas, and may also take and hold so much personal property, as may be necessary for the objects connected with and appropriate to the purposes of said corporation.

Purpose.

Power.

SECTION 3. The said corporation shall take and hold the real estate aforesaid, for a rural cemetery or burial ground, and for the erection of tombs, cenotaphs or other monuments, for, or in memory of the dead ; and for this purpose, shall have power to lay out the same in suitable lots, or subdivisions, for family or other burying places ; to plant and embellish the same with trees, shrubbery and other rural ornaments ; to inclose and divide the same with suitable walls and fences ; and to construct and annex thereto such suitable buildings, appendages and other conveniences, as said corporation shall, from time to time, deem expedient.

May grant right  
of burial, &c.

SECTION 4. The said corporation shall have authority to grant and convey to any person or persons, the sole and exclusive right of burial in any of the aforesaid lots or subdivisions, and of erecting tombs and cenotaphs, and of

ornamenting any designated lot or subdivision, upon such terms and conditions, and subject to such regulations, as said corporation shall prescribe; which right, so granted and conveyed, shall be held for the purposes aforesaid, and for no other.

SECTION 5. The real estate aforesaid shall be, and is hereby declared exempted from all public taxes, so long as the same shall remain dedicated to the purposes of a cemetery.

Real estate exempted from taxation.

SECTION 6. This act shall take effect from and after its passage.

*Approved March 27, 1858.*

AN ACT IN ADDITION TO "AN ACT ESTABLISHING THE CITY OF SALEM."

*Chap. 129*

*Be it enacted, &c., as follows:*

SECTION 1. The present division of the city of Salem, into six wards, shall remain until otherwise authorized by law, and four common councilmen shall be annually elected in each ward; and whenever it shall so happen that the whole number of common councilmen shall not be chosen at the meeting or meetings now provided for; or if such persons, or any of them, elected as common councilmen, shall refuse to serve, they shall, if the common council to which they are elected is not then organized, communicate such refusal in writing to the city clerk; and the mayor and aldermen shall thereupon, as soon as may be, issue a warrant for a new election to fill the places of such persons refusing to serve; and if the common council, to which such persons are elected, shall have been organized, such persons refusing to serve, shall communicate their refusal in writing to the president of the common council; and the mayor and aldermen, on being notified by the common council, of such vacancy, shall thereupon, as soon as may be, issue a warrant for a new election to fill such places; and if an alderman chosen at any election shall refuse to serve, he shall notify the mayor and aldermen of such refusal, in writing, and the mayor and aldermen shall thereupon, as soon as may be, issue their warrant for a new election to fill the place of such alderman refusing to serve.

Present division to remain.

Mode of election of aldermen and councilmen in case of a vacancy or failure to elect whole number at regular meeting.

SECTION 2. The school committee shall consist of twenty, three of whom shall be elected by the legal voters of each ward, in manner as follows:—At the next annual municipal election, each ward shall elect three school committee men, one of whom shall serve three years, one two years, and one one year; the time for which each one is to serve shall be specified on the ballot, against the name of the person voted

Number and mode of election of school committee.

Proviso.

for at the first annual municipal election, after this act shall go into effect: *provided, however*, if at any time it shall appear, on counting the votes, that any two or more of the committee shall be designated for the same term, then the person having the highest number of votes for the office shall be considered as elected for the longer term; and in each succeeding year, at the annual municipal election, each ward shall elect one school committee man, who shall serve three years; and the ward clerk shall, within twenty-four hours, deliver to each person so chosen a certificate of his election, and shall forthwith deliver to the city clerk a certified copy of the record of the election; and if it shall happen that there is a failure of an election, or if the person or persons so elected shall refuse to serve, such person or persons refusing to serve shall communicate in writing his refusal to the city clerk; and the mayor and aldermen shall thereupon, as soon as may be, issue a warrant for a new election; and if there shall be a vacancy in such committee by reason of the death, resignation or removal from the city, or otherwise, of any member of the school committee, the mayor and aldermen shall thereupon issue their warrant for an election, to be held in the ward where such vacancy occurs, to fill the remainder of the time which such member had to serve. The mayor and president of the common council shall be members *ex officio* of the school committee, and the mayor shall be chairman of the board. Such school committee shall have the same powers, and perform the same duties as they now have, and perform by law.

Mayor and president of council members *ex officio*.

Repeal.

SECTION 3. All the provisions of an act establishing the city of Salem, and of the acts additional thereto, inconsistent with the provisions of this act, are hereby repealed.

When to take effect.

SECTION 4. This act shall take effect at the next annual municipal election, after it shall have been accepted by written votes by the inhabitants of said city, at a general meeting called for that purpose, and shall have no effect until it shall be so accepted. *Approved March 27, 1858.*

### Chap. 130 AN ACT TO PROTECT THE HERRING FISHERIES IN THE TOWN OF FALMOUTH.

*Be it enacted, &c., as follows:*

Seine fishery prohibited from March to September.

SECTION 1. No person shall set down or stretch any seine or drag net of any kind, within a half mile from the mouth or outlet of any river or stream, running from any pond in Falmouth into the sea or Vineyard Sound, between Nabsque Point and Waquoit Harbor, from the twentieth day of March to the twentieth day of September, inclusive, in each year.

SECTION 2. Any person violating any of the provisions of this act, shall be liable to a fine not exceeding one hundred dollars for each offence. Penalty.

SECTION 3. All fines and penalties for violating any provision of this act, with costs, may be sued for and recovered in any court competent to try the same, on the complaint of any inhabitant of said town of Falmouth; one-half thereof to accrue to the complainant, and the other half to the Commonwealth. Fines, how recovered.

SECTION 4. All acts and parts of acts inconsistent with this act, are hereby repealed. Approved March 27, 1858.

AN ACT MAKING FURTHER APPROPRIATIONS TO PAY CERTAIN  
EXPENSES INCURRED IN PREVIOUS YEARS.

*Chap. 131*

*Be it enacted, &c., as follows :*

SECTION 1. The sums hereinafter mentioned are appropriated, and shall be allowed and paid out of the treasury of the Commonwealth, from ordinary revenues, upon the warrants of the governor, for the purposes specified, in addition to the appropriations contained in chapter twenty-four of the acts of the present year, to meet certain expenses belonging to the year one thousand eight hundred and fifty-seven, and previous years, that is to say : Appropriations authorized.

For the support and relief of state paupers, otherwise than in the state almshouses and the hospital on Rainsford Island, a sum not exceeding sixty-six thousand dollars. State paupers.

To reimburse to county treasurers two-thirds of the costs of criminal prosecutions, in the manner prescribed by law, a sum not exceeding one hundred and fifty thousand dollars. County treasurers.

For the expenses of coroners' inquests, a sum not exceeding three hundred dollars. Coroners.

For unpaid accounts for stationery and newspapers, a sum not exceeding three hundred and twenty-five dollars. Stationery, &c.

For the indemnification of officers, in accordance with the provisions of chapter two hundred and seventy-one of the acts of the year one thousand eight hundred and fifty-five, a sum not exceeding three hundred dollars. Indemnification of officers.

For the expenses of the arrest of fugitives from justice, a sum not exceeding one hundred and seventy-five dollars. Arrest of fugitives.

To liquidate the indebtedness of the Massachusetts state prison on the first day of January, one thousand eight hundred and fifty-eight, including the renewal hereby of the unexpended balance of the appropriation for the library, twenty-one thousand one hundred and sixty-nine dollars and four cents; and the unexpended appropriations of former years for the raising of the prison wall and the purchase of State prison

land are hereby cancelled, so far as regards the application thereof to those purposes.

Pier at Rainsford  
Island.

For the expenditures incurred in the completion of the pier at Rainsford Island, in conformity with a resolve passed at the present session of the legislature, two thousand four hundred and thirty-six dollars and five cents.

Celebration June  
17, 1857.

For further payment of expenses of the celebration of the seventh of June, one thousand eight hundred and fifty-seven, a sum not exceeding one hundred and seven dollars and seventy-five cents.

Survey of Boston  
Harbor.

For the final payment of the expenses incurred under the authority of chapter thirty-four of the resolves of the year one thousand eight hundred and forty-seven, relating to the survey of Boston Harbor, in conformity with a resolve passed at the present session of the legislature, one thousand five hundred and ninety-seven dollars and twenty-five cents.

Hitchcock's Re-  
port.

For the necessary expenses of printing Professor Hitchcock's Report on the Sandstone of the Connecticut Valley, in accordance with chapter eighty-three of the resolves of the year one thousand eight hundred and fifty-seven, and a further resolve passed the present year, a sum not exceeding five thousand three hundred dollars.

New Plymouth  
Records.

To continue the printing of the New Plymouth Records, under the direction of the secretary of the Commonwealth, a sum not exceeding ten thousand dollars.

Public docu-  
ments.

For printing the public series of documents, a sum not exceeding three thousand seven hundred dollars.

State almshouses

For unpaid expenses of the state almshouses, a sum not exceeding two thousand dollars.

SECTION 2. This act shall take effect from and after its passage.

*Approved March 27, 1858.*

### Chap. 132

#### AN ACT DEFINING THE SALARY OF THE SUPERINTENDENT OF ALIEN PASSENGERS.

*Be it enacted, &c., as follows:*

Salary estab-  
lished.

SECTION 1. The salary of the superintendent of alien passengers is hereby established at the sum of two thousand dollars per annum, to be computed at that rate, from the first day of January, in the year one thousand eight hundred and fifty-eight; said salary to be full compensation for all services rendered to the Commonwealth, by said superintendent, as alien commissioner or otherwise.

SECTION 2. This act shall take effect from and after its passage.

*Approved March 27, 1858.*

AN ACT IN RELATION TO CONVEYANCES AND DEVISES OF ESTATES *Chap. 133*  
FOR RELIGIOUS PURPOSES.

*Be it enacted, &c., as follows :*

SECTION 1. No grant, conveyance, bequest, devise or lease of any real or personal estate consecrated, dedicated or appropriated, or intended to be consecrated, dedicated or appropriated to the purposes or support of religious or public worship, for the use of any parish, congregation or society, shall vest any right, title or interest in any person or persons to whom such grant, conveyance, bequest, devise or lease may be made, except as may be now provided for by the statutes of this Commonwealth; unless the same shall be made to or for a parish, religious society or corporation, organized according to the provisions of the laws of this Commonwealth, relating to parishes and religious societies. But nothing herein contained shall prevent any such parish, religious society or corporation, from conveying such property on a *bona fide* sale thereof according to law.

Conveyance of estate for religious purposes to vest no right in individual except, &c., unless, &c.

SECTION 2. Section second of the three hundred and fourteenth chapter of the acts of the year eighteen hundred and fifty-five, is hereby repealed. *Approved March 27, 1858.*

AN ACT FIXING THE SALARIES OF THE REGISTERS OF THE COURT OF *Chap. 134*  
INSOLVENCY FOR THE COUNTIES OF MIDDLESEX AND WORCESTER.

*Be it enacted, &c., as follows :*

The register of the court of insolvency for the county of Middlesex, and the register of the court of insolvency for the county of Worcester, shall, for the current year of eighteen hundred and fifty-eight, receive for their services as registers, the sum of fourteen hundred dollars each, to be paid in the manner, and at the times now by law provided.

Salaries established.

*Approved March 27, 1858.*

AN ACT RELATING TO CRIMINAL JURISDICTION IN BOSTON HARBOR. *Chap. 135*

*Be it enacted, &c., as follows :*

SECTION 1. The courts in the county of Suffolk shall, concurrently with the courts of other counties, in which the territory hereinafter described is situated, have jurisdiction of all crimes, offences and misdemeanors, which shall be hereafter committed on either of the islands, or any of the waters, in Boston Harbor, which lie westerly of a line drawn from Point Alderton to the eastern-most point of the outer Brewster Island, and from thence to Short Beach, at the line dividing the towns of North Chelsea

Courts in Suffolk county to have concurrent jurisdiction with courts of other counties.

and Winthrop; and all such crimes, offences and misdemeanors may be prosecuted and punished in the courts in the county of Suffolk, as fully and effectually, as they might be prosecuted and punished therein, if the said islands and waters were within the territorial limits of the county of Suffolk.

SECTION 2. This act shall take effect from and after its passage.

*Approved March 27, 1858.*

**Chap. 136**

AN ACT TO ESTABLISH A POLICE COURT IN THE TOWN OF GLOUCESTER.  
*Be it enacted, &c., as follows :*

Court established.

SECTION 1. A police court is hereby established in the town of Gloucester, to consist of one competent and discreet person as standing justice, to be appointed and commissioned by the governor pursuant to the constitution.

Jurisdiction in Gloucester.

SECTION 2. The said court shall have original and exclusive jurisdiction, over all crimes, offences and misdemeanors committed within said town of Gloucester, whereof justices of the peace now have, or may have jurisdiction; also of all suits and actions which may now, or at any time hereafter, be heard, tried and determined before any justice of the peace in the county of Essex, whenever all the parties shall reside in Gloucester, and service of the writ is had on the defendant in said county. The said court shall have original and concurrent jurisdiction with justices of the peace in said county of Essex, over all crimes, offences and misdemeanors, whereof justices of the peace within the county of Essex, now or may have jurisdiction; also, of all suits and actions within the jurisdiction of any justice of the peace within the county of Essex. Any justice of the peace within said town of Gloucester, may receive complaint, and issue a warrant, for any crime, offence or misdemeanor committed within said town; but all such warrants shall be returnable before said police court; and no justice of the peace shall be allowed any fees for any warrant issued for any crime, offence or misdemeanor committed in said town.

Jurisdiction in Essex county.

Jurisdiction not limited by reason, &c.

SECTION 3. The jurisdiction of said police court shall not be limited, by reason of any interest on the part of the justices of said court, in the payment of fines, forfeitures or costs, into the treasury of said town of Gloucester.

Appeals.

SECTION 4. An appeal shall be allowed from all judgments of said police court, in like manner, and to the same extent, as appeals are now or may hereafter be allowed by law, from judgments by justices of the peace; and neither the standing justice nor the special justice, shall be counsel in any court, for any party, in any cause which may at

any time have been or may be pending before said police court.

SECTION 5. All fines and forfeitures, and all costs in criminal prosecutions, which shall be received by or paid into the hands of the standing justice of said court, shall be by him accounted for and paid over to the same persons, in the same manner, and under the same penalties as are by law prescribed in the case of justices of the peace, except as is hereinafter provided ; all costs not thus received shall be made up, taxed and allowed, and shall be paid in like manner as is provided by law, in like cases, in regard to justices of the peace.

Fines, forfeitures, &c. ; how accounted for.

SECTION 6. The standing justice of said court shall retain to his own use all fees by him received, or which now accrue to justices of the peace in civil actions and criminal prosecutions, in full compensation for all services assigned to him by the provisions of this act: *provided*, that he shall not retain for his services in criminal prosecutions, including the issue of warrants in his official capacity, or as justice of the peace, a sum exceeding six hundred dollars, annually ; but shall, on or before the tenth day of January, annually, account with and pay over to the county treasurer of said county, all fines and forfeitures paid or received by him, and the balance of criminal fees and costs in his hands, over and above that sum.

Compensation of standing justice.

Proviso.

SECTION 7. A court shall be held at some convenient place in said town of Gloucester, to be provided at the expense of said standing justice, three times in each week, and as much oftener as shall be requisite, to take cognizance of criminal cases, and once in each week, and oftener if requisite, for the trial of civil causes. And said standing justice shall have power to make all proper rules for the due and orderly conduct of the business of said court.

Court, how often to be held.

SECTION 8. The said justice shall keep a fair record of all proceedings in said court, and shall make return to the several courts of all legal processes, and of his doings therein, in the same manner as justices of the peace are now by law required to do.

Shall keep record and make return.

SECTION 9. There shall be appointed by the governor, by and with the consent of the council, one special justice of said court, who shall have power in case of the absence, sickness, interest or any other disability of the standing justice, to issue the processes of said court, to hear and determine any matter or cause pending, and to exercise all the powers of the standing justice, until such disability be removed. The said special justice shall be paid for the

One special justice.

Compensation.



**Proviso.** services by him performed, out of the fees received in said court, such sum as the standing justice would be entitled to for the same services: *provided, however*, that the amount received by both the standing and special justices, for services in the criminal prosecutions in any one year, shall not exceed the sum of six hundred dollars.

**Pending suits.** SECTION 10. All suits, actions and prosecutions, which shall be pending within the town of Gloucester before any justice of the peace, when this act shall take effect, and the standing justice of the police court shall have been duly appointed and qualified, shall be heard and determined as though this act had not passed.

**Appointment of justices.** SECTION 11. The governor shall have power, by and with the advice and consent of the council, to appoint said standing and special justices at any time after receiving notice of the acceptance of this act by the town of Gloucester, as hereinafter mentioned.

**Act to be accepted by the town.** SECTION 12. This act shall be void unless the inhabitants of the town of Gloucester, at a legal meeting called for that purpose, shall accept the same within sixty days from the passage hereof; and it shall be the duty of the selectmen and town clerk of said town of Gloucester, in case of such acceptance, to certify the fact to the governor of the Commonwealth.

*Approved March 27, 1858.*

## Chap. 137

### AN ACT CONCERNING THE PARTITION OF REAL ESTATE.

*Be it enacted, &c., as follows:*

Powers of judges of probate extended to cases in which any estate is devised, &c., to persons not in being at time of application for partition.

The powers vested in the judges of probate, by the one hundred and third chapter of the Revised Statutes, are hereby extended to cases in which any remainder or estate is or may be devised or limited to, or in trust for any person or persons not in being at the time of application for partition, upon notice given to the parents, or parent if one only be living, of such persons in the manner prescribed by the chapter aforesaid, setting forth the origin and nature of the remainder or interest so devised or limited; and it shall be the duty of the judge, in taking jurisdiction under this act, to appoint a suitable and competent person to appear and act as the next friend of the persons, to whom, or in trust for whom, any such remainder or interest is or shall be devised or limited, in all proceedings touching such partition, the cost of whose appearance and services, including compensation of counsel, to be determined by the court, shall be paid by the person or persons applying for such partition: and the partition made in such case shall be conclusive upon all persons, to whom such estate or remainder

is devised or limited, in the same manner as if they had been in being, and had appeared and answered in the case, or assented to such partition. And execution for the costs and services aforesaid may be issued in the name of such person appointed to act as next friend against the applicants for such partition.

*Approved March 27, 1858.*

AN ACT TO PROVIDE FOR THE BETTER ADMINISTRATION OF THE  
CRIMINAL LAW.

*Chap. 138*

*Be it enacted, &c., as follows :*

SECTION 1. The governor, with the advice and consent of the council, shall designate and commission a suitable number of the justices of the peace in the several counties, to try criminal cases; and the justices of the peace so designated and commissioned, shall continue to have and exercise, within their respective counties, all the powers, authority and jurisdiction in criminal cases, and the examination, trial and punishment of offenders, that justices of the peace now have: and no justice of the peace not designated and commissioned to try criminal cases as above provided, shall hereafter have or exercise any power, authority or jurisdiction in criminal cases, except to receive complaints and issue warrants; and all warrants issued by any justice of the peace in criminal cases, shall be made returnable before some justice of the peace commissioned to try criminal cases, or before some police court: and no fees shall be allowed or paid for any complaint or warrant received or issued by any justice of the peace not commissioned as above provided.

Governor to designate and commission justices.

Powers, &c.

SECTION 2. The number of justices of the peace, designated and commissioned to try criminal cases, as provided in the preceding section, shall not, at any one time, exceed,

Number of justices in each county.

For the county of Suffolk, one;  
For the county of Middlesex, thirty;  
For the county of Essex, nineteen;  
For the county of Worcester, twenty-six;  
For the county of Hampshire, eight;  
For the county of Hampden, eight;  
For the county of Franklin, eight;  
For the county of Berkshire, nine;  
For the county of Norfolk, seventeen;  
For the county of Bristol, thirteen;  
For the county of Plymouth, fifteen;  
For the county of Barnstable, nine;  
For the county of Dukes county, two;  
For the county of Nantucket, two;

- Authority to  
cease on change  
of domicile.
- Not to affect  
pending cases,  
&c.
- When to take ef-  
fect.
- and shall be distributed as nearly as may be, as the convenience of the several counties may require: and if any such justice, after having been so designated and commissioned, shall change his domicile, his authority and jurisdiction in the trial and examination of criminal cases, shall thereupon cease, and some other justice of the peace may be designated and commissioned, to try criminal cases in his place.
- SECTION 3. Nothing in this act contained shall affect any case or proceeding pending at the time it shall go into operation, or the jurisdiction of any police court, nor give jurisdiction to any justice of the peace of any offence committed in any city or town wherein a police court is established.
- SECTION 4. This act shall take effect from and after the first day of July next; but the governor shall have power, by and with the advice and consent of the council, to designate and commission the justices of the peace to try criminal cases, at any time after its passage. *Approved March 27, 1858.*

**Chap. 139** AN ACT FOR THE BETTER PRESERVATION OF SHEEP FROM THE RAVAGES OF DOGS.

*Be it enacted, &c., as follows:*

- Owners to regis-  
ter dogs, &c.
- Penalty.
- Duty of assessors.
- Registered dogs  
to wear collar.
- SECTION 1. The owner or owners of any dog or dogs within the limits of any town or city within this Commonwealth, are hereby required, on or before the first day of May in each year, to cause such dogs to be registered and numbered in the office of the clerk of the town or city where such owner or owners reside. And it shall be the duty of said clerk to register and number said dogs, and he shall receive five cents for each dog so registered, to be paid by the owner or owners of said dog or dogs. And in case any such owner or owners shall refuse or neglect thus to register and number such dog or dogs, it shall be right and lawful for any person to kill any such dog or dogs going at large; and it shall be the duty of any sheriff, deputy-sheriff or constable residing in such town or city, to cause such dog or dogs to be destroyed, whenever called upon so to do by any legal voter in said town or city; and said officer shall receive from the treasury of said town or city the sum of fifty cents for every dog so destroyed.
- SECTION 2. It shall be the duty of the assessors of the several towns and cities in this state, to cause all dogs to be entered upon the assessment lists of persons owning such dogs; and all dogs shall be presumed to be owned by the occupier of the premises where such dogs are kept. And the owner or owners of all dogs so registered, and put upon

the assessment list as aforesaid, shall cause the said dogs to wear around their necks a collar, with the registered number of said dog, and the owner's name, marked or engraved thereon; and any person killing or maiming said dog, without justifiable cause, shall be liable for damages in an action of tort, for the reasonable value of said dog.

Penalty for killing.

SECTION 3. The owner or owners of all dogs shall pay an annual tax into the treasury of the town or city where such dogs are kept, to be collected with, and in the same manner, as the ordinary town taxes, of one dollar for every male dog, and five dollars for every female dog. And in case such tax is not paid on or before the first day of July, in each year, the dog or dogs thus taxed, shall be liable to be destroyed as provided in the first section of this act.

Owners to pay annual tax.

Penalty.

SECTION 4. All moneys collected by virtue of this act, and paid into the treasury of the towns and cities aforesaid, shall be kept by the treasurers of such towns or cities, as a separate fund to be known as the dog fund. And whenever any person or persons residing in any town or city in this Commonwealth, shall suffer loss by reason of the maiming or killing of any sheep or lambs by any dog or dogs, the selectmen of such town or the mayor of such city, shall, upon satisfactory proof of the same, and of the value of the sheep or lambs so maimed or killed, draw an order for the amount of damage the owner shall have received, on the treasurer of said town or city, payable from the said dog fund; and the said treasurer shall register all such orders at the time of their presentation, and shall annually on the first day of March, pay said orders in full, if the said fund shall be sufficient for their full payment; but if said fund shall be insufficient to pay said orders in full it shall be divided *pro rata*, on all said orders, and in full discharge of the same. And in case the said fund shall be more than sufficient to pay said orders, the balance shall be divided *pro rata*, on the first day of March, annually, among the persons of whom it shall have been collected.

Money thus collected to constitute dog fund. Distribution of fund.

SECTION 5. Whenever the selectmen of any town, or the mayor of any city, shall have drawn an order as provided in the fourth section of this act, it shall be the duty of said selectmen or mayor, to institute an inquiry into the ownership of such dog or dogs as may have committed the maiming or killing aforesaid, and in their discretion to commence a suit against the owner or owners of said dog or dogs, if they can be ascertained, and are citizens of this Commonwealth, for the amount of such order, unless such owner or owners shall promptly pay to the treasurer of such

Proceedings against owners of dogs maiming or killing sheep.

**Proviso.** town or city where such sheep or lambs were maimed or killed, the amount of such order, and all reasonable charges attending the same; and the selectmen of the town or mayor of the city where the dog or dogs doing such damage are owned, shall cause all dogs known and proved to have killed any sheep or lambs as aforesaid, to be destroyed as provided in the first section of this act: *provided, however*, that the owner or owners of such dog or dogs may compound for the life of said dog or dogs, on such terms as shall be agreed upon between the said owner or owners and the selectmen of such town or the mayor of such city.

**Penalty on public officers refusing, &c.**

SECTION 6. Any mayor, selectman, sheriff, deputy-sheriff or constable, who shall refuse or neglect to perform any of the duties imposed upon him by this act, shall, for every such refusal or neglect, forfeit and pay the sum of five dollars, which shall go to and become a part of the dog fund of the city or town in which such officer resides.

**Repeal.**

SECTION 7. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

**Act not to apply to cities unless accepted.**

SECTION 8. Nothing in this act shall apply to any city in this Commonwealth, unless the same shall have been accepted by a vote of the city council of such city.

SECTION 9. This act shall take effect from and after its passage.

*Approved March 27, 1858.*

**Chap. 140** AN ACT MAKING FINAL APPROPRIATIONS FOR THE HOSPITAL FOR THE INSANE, AT NORTHAMPTON.

*Be it enacted, &c., as follows:*

**Appropriations to complete hospital.**

SECTION 1. The sum of fifty-eight thousand dollars, or so much thereof as may be necessary, is hereby appropriated from the ordinary revenue, in lieu of any unpaid balances of former appropriations, all of which balances are hereby cancelled, to complete in all respects the construction and equipment of the hospital for the insane at Northampton, to be applied under the direction of the board of trustees of said hospital, as follows:

To complete the construction of the hospital, in addition to two hundred and forty-two thousand five hundred and sixty-one dollars and eighty-two cents, heretofore paid by the commissioners appointed under chapter four hundred and fifty-four of the acts of the year one thousand eight hundred and fifty-five, there is hereby appropriated a sum not exceeding eleven thousand six hundred and ninety-six dollars.

To complete the furnishing and providing the hospital for occupancy, including grading the grounds and making all necessary preparations whatsoever for the reception of

patients, in addition to fourteen thousand two hundred and twenty-one dollars and ten cents, already expended, there is hereby appropriated a sum not exceeding thirty-four thousand six hundred and thirty-eight dollars and seventy-three cents.

To provide a working capital to be used in the purchase of provisions and other necessary articles of current consumption, in anticipation of the receipts from patients, a sum not exceeding ten thousand dollars.

To meet any contingencies that may arise during the present year for which other appropriations may be insufficient, a sum not exceeding one thousand six hundred and sixty-five dollars and twenty-seven cents.

SECTION 2. This act shall take effect from and after its passage.

*Approved March 27, 1858.*

AN ACT CONCERNING THE ASSIGNEES OF INSOLVENTS.

*Chap. 141*

*Be it enacted, &c., as follows:*

SECTION 1. In all cases arising under the insolvent laws of this Commonwealth, the choice of assignee or assignees made by the creditors, shall be subject to the approval of the judge of insolvency; and whenever, from any cause, it shall, in his judgment, be needful or expedient, he may order a new election, and may remove the assignees already chosen; or, he may add by his own appointment, one or more assignees to those already chosen.

Choice of assignee subject to approval of judge, &c.

SECTION 2. No election of assignees shall be held except at a regular meeting, or a meeting called for that purpose; nor until after all known creditors of the insolvent shall, in such manner and by such person as the judge shall prescribe, be notified thereof in writing.

Election of assignees to be held only at regular meetings, &c.

SECTION 3. Any assignee may resign his trust, and may be discharged therefrom, if the judge shall accept his resignation; and any vacancy created in the office of assignee may be filled by election, or by appointment of the court, as the judge shall determine: *provided*, that no resignation or removal of any assignee shall, in any way, release him from the duty of doing and performing all things requisite on his part, for the proper closing up of his trust, and the transmission thereof to his successors; nor shall the same in any way affect the liability of the principal or any surety on the official bond given by the assignee in the case.

Resignation of assignee. Judge to determine manner of filling vacancy.

Proviso.

SECTION 4. In case of any such removal or resignation, the judge of insolvency may pass all lawful orders he may deem expedient, to secure the proper fulfilment of the duties of the assignee so removed or resigned, under the circum-

In case of removal, &c., of assignee, judge to pass orders for fulfilment of duties.

stances of the case, and to secure the just rights and interests of all persons interested in the distribution of the assets of the insolvent.

Register to administer oath, except oath of debtor.

SECTION 5. The register of insolvency may administer all oaths required in the course of proceedings before the court of insolvency, except the oath contained in the seventh section of the one hundred and sixty-third chapter of the statutes of the year eighteen hundred and thirty-eight.

*Approved March 27, 1858.*

### Chap. 142

#### AN ACT CONCERNING FEES IN CERTAIN CASES IN INSOLVENCY.

*Be it enacted, &c., as follows :*

Fees to be allowed to judges and registers, in cases transferred from commissioners.

When, by reason of the death or disability of any commissioner of insolvency, the cases pending before him are transferred to the court of insolvency, the judge and register of said court shall be allowed, in addition to the salaries and fees now fixed by law, the same fees for services performed by them in such cases, as such commissioner and his clerk would have been allowed by law for the same ; to be equally divided between the judge and register.

*Approved March 27, 1858.*

### Chap. 143

#### AN ACT IN RELATION TO LIMITED PARTNERSHIPS.

*Be it enacted, &c., as follows :*

Style of firm when more than three general partners.

From and after the passage of this act, whenever in any limited partnership, the firm shall consist of more than three general partners, the names of all such general partners shall not be required to be inserted in the style of the firm.

*Approved March 27, 1858.*

### Chap. 144

#### AN ACT TO PROTECT THE RIGHTS OF STOCKHOLDERS IN CORPORATIONS.

*Be it enacted, &c., as follows :*

Treasurer to keep accurate list of stockholders, &c.

SECTION 1. The treasurer or cashier, as the case may be, of every corporation, shall, at all times, keep an accurate list of all its stockholders with the number of shares owned by each stockholder, which list shall, at all times, upon written application to such officer, by any stockholder in such corporation, be exhibited for his inspection.

Penalty for refusing.

SECTION 2. If any such officer shall refuse, upon such application, so to exhibit such list, he shall forfeit to the use of the Commonwealth, for each offence, the sum of fifty dollars, to be recovered upon complaint before any magistrate or court of competent jurisdiction.

*Approved March 27, 1858.*

AN ACT IN RELATION TO SCHOOL DISTRICTS.

Chap. 145

*Be it enacted, &c., as follows :*

SECTION 1. All sums of money expended by order of the general school committee in repairing, enlarging, or in the erection of new school-houses in any unorganized school district, shall be assessed upon the inhabitants of such district.

Money expended in erecting new school-houses in unorganized districts; how assessed.

SECTION 2. This act shall take effect from and after its passage.

*Approved March 27, 1858.*

AN ACT TO INCORPORATE THE PACIFIC PRINT WORKS.

Chap. 146

*Be it enacted, &c., as follows :*

SECTION 1. J. Huntington Wolcott, Abbott Lawrence and Benjamin E. Bates, their associates and successors, are hereby made a corporation by the name of the Pacific Print Works, for the purpose of manufacturing and printing worsted, woolen, silk and cotton goods, in the city of Lawrence, in the county of Essex; and for these purposes shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, and in the two hundred and seventy-sixth chapter of the acts of the year eighteen hundred and fifty-seven.

Corporators.

Name.

Purpose.

Location.

Privileges, restrictions, &c.

SECTION 2. The capital stock of said corporation shall be twenty-five hundred thousand dollars, and it may hold real estate to the amount of twelve hundred and fifty thousand dollars.

Capital \$2,500,000.  
Real estate \$1,250,000.

SECTION 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

No shares issued under par.

*Approved March 27, 1858.*

AN ACT TO AUTHORIZE EDMUND T. DANA AND OTHERS TO CONSTRUCT DAMS AND DIKES IN CAMBRIDGE.

Chap. 147

*Be it enacted, &c., as follows :*

SECTION 1. Edmund T. Dana, Martha R. Allston, Sarah A. Dana and Edmund T. Hastings, proprietors of marsh lands in Cambridge, lying between the Main Street or causeway, on the north; the south-eastern line of the location of the Grand Junction Railroad and Depot Company, on the south-east; the upland denominated Pine Grove, on the south; and Brookline Street, on the west, are hereby authorized to construct and maintain, for themselves, their

Owners of marsh lands to construct dikes, &c.  
Boundary, &c.



heirs and assigns, forever, dams or dikes extending from the said upland to the said causeway, along the marshes, and across the coves or creeks which intersect the same, so as to exclude from said marshes the tide-waters of Charles River : *provided, however*, that no part of said dikes or dams shall be built upon said location without the consent of the said company, by a vote of the directors thereof; and *provided, also*, that proper sluiceways shall be made and forever maintained for the drainage of all the lands so inclosed, and that the main drains of the city of Cambridge, which do, or shall intersect said marshes, shall be furnished with suitable sluiceways, under the direction of the mayor and aldermen of said city, and agreeably to the laws of this Commonwealth, concerning drains and sewers; and *provided, moreover*, that this grant shall in no wise impair the legal rights of any person or corporation.

**Act to be inoperative, unless, &c.** SECTION 2. This act shall be inoperative unless such dams or dikes be constructed within two years from the passage hereof.

SECTION 3. This act shall take effect from and after its passage.

*Approved March 27, 1858.*

**Chap. 148** AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR.

*Be it enacted, &c., as follows :*

**Appropriations for 1858.** SECTION 1. The sums hereinafter mentioned are appropriated, and shall be allowed and paid out of the treasury of this Commonwealth, from the ordinary revenue, upon the warrants of the governor, for the purposes specified in certain resolves for the present year herein cited, as follows :

**School for Idiotic and Feeble-Minded Youth.** In the resolve in favor of the Massachusetts School for Idiotic and Feeble-Minded Youth, in addition to the sum appropriated in chapter eleven of the acts of the present year, two thousand five hundred dollars ;

**Charitable Eye and Ear Infirmary.** In the resolve in favor of the Massachusetts Charitable Eye and Ear Infirmary, two thousand five hundred dollars ;

**Suppression of counterfeiting.** In the resolve granting aid for the suppression of counterfeiting bank bills and coin, one thousand five hundred dollars ;

**Board of Agriculture.** In the resolve in favor of the State Board of Agriculture, four thousand dollars ;

**Darius A. Martin.** In the resolve on the petition of Darius A. Martin, a sum not exceeding one hundred dollars ;

**William H. Ela.** In the resolve in favor of William H. Ela, three thousand five hundred dollars ;

In the resolve in favor of Albert H. Nelson, late chief justice of the superior court of the county of Suffolk, one thousand seven hundred and thirty-four dollars; Albert H. Nelson.

In the resolve in relation to the State Industrial School for Girls, four hundred dollars; Industrial School for Girls.

In the resolve on the petition of Alfred Flanders, one hundred and fifty-four dollars and seventy-three cents; Alfred Flanders.

In the resolve on the petition of William L. Bemis, fifty dollars; William L. Bemis.

In the resolve on the petition of John McGrath, two hundred and fifty dollars; John McGrath.

In the resolve on the petition of John Rhodes, a sum not exceeding one hundred and fifty-two dollars and fifty-eight cents; John Rhodes.

In the resolve in aid of the erection of a fence around Fort Washington, two thousand dollars; Fence round Fort Washington.

In the resolve for the appointment of a joint special committee on public charitable institutions, a sum not exceeding nine hundred dollars; Committee on public charitable institutions.

In the resolve in favor of Allen Cummings, ninety-four dollars; Allen Cummings.

In the resolve in favor of Horace I. Hodges, two hundred and twenty-five dollars. Horace I. Hodges.

SECTION 2. This act shall take effect from and after its passage.

*Approved March 27, 1858.*

AN ACT TO APPORTION AND ASSESS A STATE TAX OF THREE HUNDRED AND FIFTY-NINE THOUSAND NINE HUNDRED AND EIGHTY-EIGHT DOLLARS.

*Chap. 149*

*Be it enacted, &c., as follows :*

SECTION 1. Each city and town in this Commonwealth shall be assessed and pay the several sums with which they stand respectively charged in the following schedule; that is to say: Cities and towns assessed.

**SUFFOLK COUNTY.**

Boston, . . .	One hundred eighteen thousand four hundred twenty-nine dollars, . . .	\$118,429 00
Chelsea, . . .	Two thousand one hundred seventeen dollars, . . .	2,117 00
North Chelsea, .	Four hundred sixty-four dollars, . . .	464 00
		<hr/> \$121,010 00

## ESSEX COUNTY.

Amesbury, . . .	Six hundred eighty-eight dollars, . . .	\$688 00
Andover, . . .	One thousand nine hundred thirty-three dollars, . . .	1,933 00
Beverly, . . .	One thousand three hundred eighty-six dollars, . . .	1,386 00
Boxford, . . .	Three hundred thirty-five dollars, . . .	335 00
Bradford, . . .	Two hundred forty-five dollars, . . .	245 00
Danvers, . . .	Two thousand ninety-nine dollars, . . .	2,099 00
Essex, . . .	Four hundred three dollars, . . .	403 00
Georgetown, . .	Four hundred seventy-two dollars, . . .	472 00
Gloucester, . . .	One thousand five hundred ninety-one dollars, . . .	1,591 00
Groveland, . . .	Two hundred seventy dollars, . . .	270 00
Hamilton, . . .	Two hundred seventy-seven dollars, . .	277 00
Haverhill, . . .	One thousand four hundred fifty-eight dollars, . . .	1,458 00
Ipswich, . . .	Six hundred eighty-eight dollars, . . .	688 00
Lawrence, . . .	Three thousand five hundred sixty-eight dollars, . . .	3,568 00
Lynn, . . .	Two thousand seven hundred eighty-three dollars, . . .	2,783 00
Lynnfield, . . .	Two hundred twenty-three dollars, . . .	223 00
Manchester, . . .	Three hundred thirty-eight dollars, . . .	338 00
Marblehead, . .	One thousand three hundred twenty-five dollars, . . .	1,325 00
Methuen, . . .	Six hundred seventy-three dollars, . . .	673 00
Middleton, . . .	One hundred ninety-eight dollars, . . .	198 00
Newbury, . . .	Four hundred fourteen dollars, . . .	414 00
Newburyport, . .	Three thousand three hundred forty-four dollars, . . .	3,344 00
Rockport, . . .	Four hundred ninety-seven dollars, . .	497 00
Rowley, . . .	Two hundred ninety-two dollars, . . .	292 00
Salem, . . .	Seven thousand nine hundred ninety-nine dollars, . . .	7,999 00
Salisbury, . . .	Six hundred sixty-six dollars, . . .	666 00
Saugus, . . .	Three hundred twenty-eight dollars, . .	328 00

## ESSEX COUNTY—CONTINUED.

Topsfield, . . .	Three hundred two dollars, . . . .	\$302 00
Wenham, . . .	Two hundred forty-eight dollars, . .	248 00
West Newbury, .	Three hundred eighty-two dollars, . .	382 00
		<hr/> \$35,425 00

## MIDDLESEX COUNTY.

Acton, . . . .	Three hundred sixty dollars, . . . .	\$360 00
Ashby, . . . .	Three hundred sixty-six dollars, . . .	366 00
Ashland, . . .	Two hundred eighty-one dollars, . .	281 00
Bedford, . . .	Two hundred thirty dollars, . . . .	230 00
Billerica, . . .	Five hundred twenty-nine dollars, . .	529 00
Boxborough, . .	One hundred forty-eight dollars, . .	148 00
Brighton, . . .	Nine hundred seventy-nine dollars, . .	979 00
Burlington, . .	One hundred eighty dollars, . . . .	180 00
Cambridge, . .	Six thousand two hundred twenty-eight dollars, . . . . .	6,228 00
Carlisle, . . .	Two hundred five dollars, . . . . .	205 00
Charlestown, . .	Five thousand two hundred seventy dollars, . . . . .	5,270 00
Chelmsford, . .	Six hundred five dollars, . . . . .	605 00
Concord, . . .	Seven hundred seventy dollars, . . .	770 00
Dracut, . . . .	Four hundred fifty dollars, . . . . .	450 00
Dunstable, . . .	Two hundred and twenty dollars, . .	220 00
Framingham, . .	One thousand one hundred eighty-one dollars, . . . . .	1,181 00
Groton, . . . .	Eight hundred sixty-four dollars, . .	864 00
Holliston, . . .	Five hundred fifty-four dollars, . . .	554 00
Hopkinton, . . .	Six hundred sixteen dollars, . . . . .	616 00
Lexington, . . .	Seven hundred thirteen dollars, . . .	713 00
Lincoln, . . . .	Two hundred eighty-eight dollars, . .	288 00

## MIDDLESEX COUNTY—CONTINUED.

Littleton, . . .	Two hundred ninety-five dollars, . . .	\$295 00
Lowell, . . .	Ten thousand three hundred twenty-five dollars, . . . . .	10,325 00
Malden, . . .	One thousand eighty dollars, . . . .	1,080 00
Marlborough, .	Seven hundred seventy dollars, . . .	770 00
Medford, . . .	One thousand four hundred fifty-eight dollars, . . . . .	1,458 00
Melrose, . . .	Three hundred twenty-four dollars, .	324 00
Natick, . . .	Six hundred thirty-seven dollars, . .	637 00
Newton, . . .	One thousand nine hundred four dollars, . . . . .	1,904 00
Pepperell, . .	Four hundred seventy-nine dollars, .	479 00
Reading, . . .	Seven hundred twenty-seven dollars, .	727 00
Sherborn, . . .	Three hundred twenty-four dollars, .	324 00
Shirley, . . .	Three hundred fifty-six dollars, . . .	356 00
Somerville, . .	One thousand two hundred thirty-eight dollars, . . . . .	1,238 00
S. Reading, . .	Five hundred eleven dollars, . . . .	511 00
Stoneham, . . .	Three hundred sixty-seven dollars, . .	367 00
Stow, . . . .	Three hundred ninety-two dollars, . .	392 00
Sudbury, . . .	Five hundred sixty-two dollars, . . .	562 00
Tewksbury, . .	Three hundred eighty-two dollars, . .	382 00
Townsend, . . .	Five hundred forty dollars, . . . . .	540 00
Tyngsborough, .	Two hundred ninety-five dollars, . . .	295 00
Waltham, . . .	One thousand six hundred seventy dollars, . . . . .	1,670 00
Watertown, . .	One thousand three hundred seventy-five dollars, . . . . .	1,375 00
Wayland, . . .	Three hundred ten dollars, . . . . .	310 00
W. Cambridge, .	Nine hundred ninety dollars, . . . . .	990 00
Westford, . . .	Four hundred ninety-seven dollars, .	497 00
Weston, . . .	Four hundred thirty-two dollars, . .	432 00
Wilmington, . .	Two hundred fifty-six dollars, . . .	256 00

## MIDDLESEX COUNTY—CONTINUED.

Winchester, . .	Four hundred ten dollars, . . . .	\$410 00
Woburn, . . .	One thousand two hundred six dollars,	1,206 00
		<hr/> \$51,149 00

## WORCESTER COUNTY.

Ashburnham, .	Four hundred fifty dollars, . . . .	\$450 00
Athol, . . . .	Four hundred thirty-nine dollars, . .	439 00
Auburn, . . .	Two hundred fifty-nine dollars, . . .	259 00
Barre, . . . .	Eight hundred eighty-nine dollars, . .	889 00
Berlin, . . . .	One hundred eighty-four dollars, . . .	184 00
Blackstone, . .	One thousand one hundred twenty-three dollars, . . . . .	1,123 00
Bolton, . . . .	Three hundred thirty-five dollars, . .	335 00
Boylston, . . .	Two hundred eighty-one dollars, . . .	281 00
Brookfield, . .	Four hundred eighteen dollars, . . . .	418 00
Charlton, . . .	Five hundred ninety-eight dollars, . .	598 00
Clinton, . . . .	Five hundred ninety dollars, . . . . .	590 00
Dana, . . . . .	One hundred fifty-one dollars, . . . .	151 00
Douglas, . . . .	Four hundred fifty-four dollars, . . .	454 00
Dudley, . . . .	Four hundred ten dollars, . . . . .	410 00
Fitchburg, . . .	One thousand three hundred fourteen dollars, . . . . .	1,314 00
Gardner, . . . .	Three hundred seventy-one dollars, . .	371 00
Grafton, . . . .	Eight hundred ninety-six dollars, . . .	896 00
Hardwick, . . .	Five hundred eleven dollars, . . . . .	511 00
Harvard, . . . .	Four hundred seventy-five dollars, . .	475 00
Holden, . . . .	Five hundred dollars, . . . . .	500 00
Hubbardston, . .	Four hundred twenty-five dollars, . . .	425 00
Lancaster, . . .	Four hundred twenty-five dollars, . . .	425 00

## WORCESTER COUNTY—CONTINUED.

Leicester, . . .	Seven hundred fifty-two dollars, . . .	\$752 00
Leominster, . . .	Eight hundred fourteen dollars, . . .	814 00
Lunenburg, . . .	Three hundred ninety-six dollars, . . .	396 00
Mendon, . . .	Four hundred twenty-one dollars, . . .	421 00
Milford, . . .	Eight hundred seventy-five dollars, . . .	875 00
Millbury, . . .	Six hundred fifty-nine dollars, . . .	659 00
New Braintree, . .	Three hundred twenty-eight dollars, .	328 00
North Brookfield,	Four hundred forty-three dollars, . .	443 00
Northborough, .	Four hundred three dollars, . . . .	403 00
Northbridge, . .	Four hundred thirty-nine dollars, . .	439 00
Oakham, . . . .	Two hundred seventy dollars, . . . .	270 00
Oxford, . . . .	Six hundred twenty-three dollars, . .	623 00
Paxton, . . . .	One hundred ninety-eight dollars, . .	198 00
Petersham, . . .	Four hundred ninety-three dollars, . .	493 00
Phillipston, . . .	Two hundred thirty-eight dollars, . .	238 00
Princeton, . . .	Three hundred eighty-nine dollars, . .	389 00
Royalston, . . .	Four hundred seventy-five dollars, . .	475 00
Rutland, . . . .	Three hundred thirty-one dollars, . .	331 00
Shrewsbury, . . .	Five hundred four dollars, . . . . .	504 00
Southborough, . .	Three hundred eighty-five dollars, . .	385 00
Southbridge, . . .	Seven hundred twenty dollars, . . . .	720 00
Spencer, . . . .	Five hundred forty-seven dollars, . .	547 00
Sterling, . . . .	Five hundred four dollars, . . . . .	504 00
Sturbridge, . . .	Five hundred forty dollars, . . . . .	540 00
Sutton, . . . .	Six hundred thirty-four dollars, . . .	634 00
Templeton, . . .	Five hundred sixty-nine dollars, . .	569 00
Upton, . . . .	Four hundred fourteen dollars, . . . .	414 00

## WORCESTER COUNTY—CONTINUED.

Uxbridge, . .	Seven hundred thirteen dollars, . . .	\$713 00
Warren, . . .	Four hundred thirty-nine dollars, . .	439 00
Webster, . . .	Five hundred twenty-six dollars, . .	526 00
West Boylston, .	Three hundred fifty-six dollars, . . .	356 00
West Brookfield,	Three hundred forty-two dollars, . .	342 00
Westborough, .	Five hundred four dollars, . . . .	504 00
Westminster, .	Four hundred eighty-two dollars, . .	482 00
Winchendon, .	Six hundred eight dollars, . . . . .	608 00
Worcester, . .	Six thousand seven hundred twenty-five dollars, . . . . .	6,725 00
		<hr/> \$35,557 00

## HAMPSHIRE COUNTY.

Amherst, . . .	Seven hundred forty-five dollars, . . .	\$745 00
Belchertown, .	Five hundred fifty-eight dollars, . . .	558 00
Chesterfield, .	Two hundred forty-nine dollars, . .	249 00
Cummington, .	Two hundred fifty-two dollars, . . .	252 00
Easthampton, .	Two hundred seventy-four dollars, . .	274 00
Enfield, . . .	Two hundred eighty-four dollars, . .	284 00
Goshen, . . .	One hundred nineteen dollars, . . .	119 00
Granby, . . .	Two hundred fifty-six dollars, . . .	256 00
Greenwich, . .	One hundred fifty-eight dollars, . . .	158 00
Hadley, . . .	Five hundred sixty-nine dollars, . .	569 00
Hatfield, . . .	Four hundred twenty-eight dollars, .	428 00
Huntington, . .	One hundred sixty-two dollars, . . .	162 00
Middlefield, . .	One hundred ninety-four dollars, . .	194 00
Northampton, .	One thousand five hundred seventy-seven dollars, . . . . .	1,577 00



## HAMPSHIRE COUNTY—CONTINUED.

Pelham, . . .	One hundred fifty-five dollars, . . .	\$155 00
Plainfield, . .	One hundred eighty-seven dollars, . .	187 00
Prescott, . . .	One hundred sixty-two dollars, . . .	162 00
South Hadley, .	Four hundred fifty-four dollars, . . .	454 00
Southampton, .	Two hundred fifty-six dollars, . . .	256 00
Ware, . . . .	Seven hundred forty-nine dollars, . .	749 00
Westhampton, .	One hundred forty-eight dollars, . . .	148 00
Williamsburg, .	Four hundred eighteen dollars, . . .	418 00
Worthington, .	Two hundred eighty-four dollars, . .	284 00
		<hr/> \$8,638 00

## HAMPDEN COUNTY.

Blandford, . .	Three hundred forty-six dollars, . . .	\$346 00
Brimfield, . .	Four hundred twenty-five dollars, . .	425 00
Chester, . . .	Two hundred ninety-five dollars, . .	295 00
Chicopee, . . .	Two thousand one hundred sixty-four dollars, . . . . .	2,164 00
Granville, . .	Two hundred sixty-three dollars, . .	263 00
Holland, . . .	Ninety-four dollars, . . . . .	94 00
Holyoke, . . .	One thousand one hundred fifty-nine dollars, . . . . .	1,159 00
Longmeadow, .	Five hundred eight dollars, . . . .	508 00
Ludlow, . . .	Two hundred ninety-five dollars, . .	295 00
Monson, . . .	Five hundred ninety-four dollars, . .	594 00
Montgomery, .	One hundred four dollars, . . . . .	104 00
Palmer, . . .	Seven hundred ninety-nine dollars, .	799 00
Russell, . . .	One hundred fifteen dollars, . . . .	115 00
Southwick, . .	Three hundred thirty-five dollars, . .	335 00
Springfield, .	Three thousand nine hundred ninety- two dollars, . . . . .	3,992 00

## HAMPDEN COUNTY—CONTINUED.

Tolland, . . .	One hundred thirty-three dollars, . . .	\$133 00
Wales, . . .	One hundred forty-four dollars, . . .	144 00
W. Springfield, .	One thousand eight dollars, . . .	1,008 00
Westfield, . .	One thousand eighteen dollars, . . .	1,018 00
Wilbraham, . .	Five hundred seventy-six dollars, . .	576 00
		<hr/> \$14,367 00

## FRANKLIN COUNTY.

Ashfield, . . .	Three hundred forty-six dollars, . . .	\$346 00
Bernardston, .	Two hundred forty-one dollars, . . .	241 00
Buckland, . .	One hundred sixty-nine dollars, . . .	169 00
Charlemont, .	Two hundred forty-five dollars, . . .	245 00
Colrain, . . .	Four hundred eighteen dollars, . . .	418 00
Conway, . . .	Four hundred forty-three dollars, . .	443 00
Deerfield, . .	Six hundred forty-eight dollars, . . .	648 00
Erving, . . .	One hundred eight dollars, . . .	108 00
Gill, . . .	One hundred eighty-four dollars, . .	184 00
Greenfield, . .	Six hundred eighty-four dollars, . . .	684 00
Hawley, . . .	One hundred eighty-four dollars, . .	184 00
Heath, . . .	One hundred seventy-three dollars, .	173 00
Leverett, . . .	One hundred eighty-four dollars, . .	184 00
Leyden, . . .	One hundred thirty-three dollars, . .	133 00
Monroe, . . .	Forty-three dollars, . . .	43 00
Montague, . .	Three hundred two dollars, . . .	302 00
New Salem, .	Two hundred seventy-four dollars, . .	274 00
Northfield, . .	Four hundred sixty-eight dollars, . .	468 00
Orange, . . .	Four hundred forty-three dollars, . .	443 00

## FRANKLIN COUNTY—CONTINUED.

Rowe, . . . .	One hundred forty-four dollars, . . . .	\$144 00
Shelburne, . .	Three hundred two dollars, . . . .	302 00
Shutesbury, . .	One hundred sixty-nine dollars, . . . .	169 00
Sunderland, . .	Two hundred five dollars, . . . .	205 00
Warwick, . . .	Two hundred eighty-eight dollars, . . . .	288 00
Wendell, . . .	Two hundred fifty-two dollars, . . . .	252 00
Whately, . . .	Two hundred eighty-eight dollars, . . . .	288 00
		<b>\$7,338 00</b>

## BERKSHIRE COUNTY.

Adams, . . . .	One thousand one hundred sixty-three dollars, . . . .	\$1,163 00
Alford, . . . .	One hundred forty dollars, . . . .	140 00
Becket, . . . .	Two hundred twenty-seven dollars, . . . .	227 00
Cheshire, . . .	Three hundred thirty-eight dollars, . . . .	338 00
Clarksburg, . .	Sixty-seven dollars, . . . .	67 00
Dalton, . . . .	Two hundred eighty-four dollars, . . . .	284 00
Egremont, . . .	Two hundred ninety-two dollars, . . . .	292 00
Florida, . . . .	One hundred one dollars, . . . .	101 00
Great Barrington,	Eight hundred twenty-eight dollars, . . . .	828 00
Hancock, . . . .	Two hundred twenty-three dollars, . . . .	223 00
Hinsdale, . . .	Two hundred sixty-six dollars, . . . .	266 00
Lanesborough, .	Three hundred twenty-eight dollars, . . . .	328 00
Lee, . . . . .	Six hundred fifty-five dollars, . . . .	655 00
Lenox, . . . .	Three hundred forty-two dollars, . . . .	342 00
Monterey, . . .	One hundred fifty-one dollars, . . . .	151 00
Mt. Washington,	Sixty-five dollars, . . . .	65 00
New Ashford, . .	Sixty-one dollars, . . . .	61 00

## BERKSHIRE COUNTY—CONTINUED.

New Marlboro',	Three hundred forty-nine dollars, . .	\$349 00
Otis, . . . .	Two hundred twenty-nine dollars, . .	229 00
Peru, . . . .	One hundred thirty dollars, . . . .	180 00
Pittsfield, . . .	One thousand six hundred seventy dollars, . . . . .	1,670 00
Richmond, . . .	Two hundred thirty-eight dollars, . .	238 00
Sandisfield, . . .	Three hundred twenty dollars, . . . .	320 00
Savoy, . . . .	One hundred thirty-seven dollars, . .	137 00
Sheffield, . . .	Seven hundred two dollars, . . . .	702 00
Stockbridge, . . .	Four hundred sixty-four dollars, . .	464 00
Tyringham, . . .	One hundred sixty-two dollars, . . . .	162 00
Washington, . . .	One hundred sixty-two dollars, . . . .	162 00
W. Stockbridge,	Three hundred seventy dollars, . . . .	370 00
Williamstown, . .	Six hundred nineteen dollars, . . . .	619 00
Windsor, . . . .	Two hundred two dollars, . . . . .	202 00
		<hr/> \$11,285 00

## NORFOLK COUNTY.

Bellingham, . . .	Three hundred thirty dollars, . . . .	\$330 00
Braintree, . . .	Six hundred eighty-eight dollars, . .	688 00
Brookline, . . .	Two thousand nine hundred ninety-two dollars, . . . . .	2,992 00
Canton, . . . .	Eight hundred thirty-nine dollars, . .	839 00
Cohasset, . . . .	Four hundred seventy-two dollars, . .	472 00
Dedham, . . . .	One thousand eight hundred four dollars, . . . . .	1,804 00
Dorchester, . . .	Three thousand nine hundred forty-two dollars, . . . . .	3,942 00
Dover, . . . . .	One hundred ninety-one dollars, . . .	191 00
Foxborough, . . .	Four hundred twenty-five dollars, . .	425 00
Franklin, . . . .	Four hundred eighteen dollars, . . . .	418 00

## NORFOLK COUNTY—CONTINUED.

Medfield, . . .	Two hundred eighty-eight dollars, . . .	\$288 00
Medway, . . .	Five hundred ninety-four dollars, . . .	594 00
Milton, . . .	One thousand nineteen dollars, . . .	1,019 00
Needham, . . .	Five hundred twenty-two dollars, . . .	522 00
Quincy, . . .	One thousand three hundred forty-four dollars, . . . . .	1,344 00
Randolph, . . .	One thousand one hundred twenty-three dollars, . . . . .	1,123 00
Roxbury, . . .	Seven thousand nine hundred thirty- four dollars, . . . . .	7,934 00
Sharon, . . .	Three hundred forty-nine dollars, . . .	349 00
Stoughton, . . .	Seven hundred forty-nine dollars, . . .	749 00
Walpole, . . .	Five hundred eight dollars, . . . . .	508 00
Weymouth, . . .	One thousand one hundred twenty- seven dollars, . . . . .	1,127 00
Wrentham, . . .	Seven hundred twenty dollars, . . . .	720 00
		<hr/> \$28,373 00

## BRISTOL COUNTY.

Attleborough, . .	Seven hundred thirty-four dollars, . . .	\$734 00
Berkley, . . .	One hundred eighty dollars, . . . . .	180 00
Dartmouth, . . .	One thousand three hundred eighty-six dollars, . . . . .	1,386 00
Dighton, . . .	Three hundred forty-six dollars, . . . .	346 00
Easton, . . .	Four hundred eighty-two dollars, . . .	482 00
Fairhaven, . . .	One thousand nine hundred one dollars,	1,901 00
Fall River, . . .	Three thousand seven hundred forty dollars, . . . . .	3,740 00
Freetown, . . .	Three hundred sixty-four dollars, . . .	364 00
Mansfield, . . .	Two hundred eighty-one dollars, . . .	281 00
New Bedford, . .	Eight thousand three hundred thirty- four dollars, . . . . .	8,334 00
Norton, . . .	Four hundred sixty-one dollars, . . . .	461 00
Pawtucket, . . .	Six hundred forty-four dollars, . . . .	644 00

## BRISTOL COUNTY—CONTINUED.

Raynham, . .	Three hundred thirty-one dollars, . .	\$331 00
Rehoboth, . .	Four hundred fifty-seven dollars, . .	457 00
Seekonk, . . .	Four hundred fifty-seven dollars, . .	457 00
Somerset, . . .	Two hundred ninety-five dollars, . .	295 00
Swansey, . . .	Three hundred forty-two dollars, . .	342 00
Taunton, . . .	Two thousand four hundred sixteen dollars, . . . . .	2,416 00
Westport, . . .	Nine hundred dollars, . . . . .	900 00
		<hr/> \$24,051 00

## PLYMOUTH COUNTY. . .

Abington, . . .	One thousand forty dollars, . . . .	\$1,040 00
Bridgewater, .	Seven hundred seventy-four dollars, .	774 00
Carver, . . . .	Two hundred thirty-four dollars, . .	234 00
Duxbury, . . .	Six hundred ninety-five dollars, . . .	695 00
E. Bridgewater, .	Five hundred forty-seven dollars, . .	547 00
Halifax, . . . .	One hundred seventy-three dollars, .	173 00
Hanover, . . . .	Three hundred sixty dollars, . . . .	360 00
Hanson, . . . .	Two hundred fifty-two dollars, . . . .	252 00
Hingham, . . . .	One thousand thirty-three dollars, . .	1,033 00
Hull, . . . . .	Seventy-two dollars, . . . . .	72 00
Kingston, . . . .	Five hundred twenty-nine dollars, . .	529 00
Marshfield, . . .	Four hundred twenty-one dollars, . .	421 00
Middleborough, .	One thousand eighty-three dollars, . .	1,083 00
N. Bridgewater, .	Seven hundred forty-five dollars, . .	745 00
Pembroke, . . . .	Two hundred ninety-five dollars, . .	295 00
Plymouth, . . . .	One thousand five hundred seventy- three dollars, . . . . .	1,573 00
Plympton, . . . .	Two hundred twenty-two dollars, . .	222 00

## PLYMOUTH COUNTY—CONTINUED.

Rochester, . .	Seven hundred ninety-six dollars, . .	\$796 00
Scituate, . . .	Four hundred fifty dollars, . . . .	450 00
South Scituate, .	Four hundred seventy-five dollars, . .	475 00
Wareham, . . .	Six hundred thirty dollars, . . . .	630 00
W. Bridgewater, .	Three hundred thirty-five dollars, . .	335 00
		<hr/> \$12,734 00

## BARNSTABLE COUNTY.

Barnstable, . .	One thousand fifteen dollars, . . . .	\$1,015 00
Brewster, . . .	Two hundred thirty-eight dollars, . .	238 00
Chatham, . . .	Three hundred fifty-six dollars, . . .	356 00
Dennis, . . . .	Five hundred fifty-four dollars, . . .	554 00
Eastham, . . .	One hundred thirty-seven dollars, . .	137 00
Falmouth, . . .	Six hundred sixteen dollars, . . . .	616 00
Harwich, . . . .	Four hundred seven dollars, . . . .	407 00
Orleans, . . . .	Two hundred forty-five dollars, . . .	245 00
Provincetown, .	Six hundred seventy dollars, . . . .	670 00
Sandwich, . . .	Eight hundred eighty-six dollars, . .	886 00
Truro, . . . .	Two hundred eighty-four dollars, . .	284 00
Wellfleet, . . .	Two hundred fifty-six dollars, . . .	256 00
Yarmouth, . . .	Four hundred ninety-seven dollars, . .	497 00
		<hr/> \$6,161 00

## DUKES COUNTY.

Chilmark, . . .	Two hundred eighty-four dollars, . .	\$284 00
Edgartown, . . .	Four hundred forty-three dollars, . .	443 00
Tisbury, . . . .	Three hundred seventy-eight dollars, .	378 00
		<hr/> \$1,105 00

## NANTUCKET COUNTY.

Nantucket, . .	Two thousand seven hundred ninety-dollars, . . . . .	\$2,790 00
----------------	--	------------

## RECAPITULATION.

Suffolk County, .	One hundred and twenty-one thousand ten dollars, . . . . .	\$121,010 00
Essex County, .	Thirty-five thousand four hundred twenty-five dollars, . . . . .	35,425 00
Middlesex County,	Fifty-one thousand one hundred forty-nine dollars, . . . . .	51,149 00
Worcester County,	Thirty-five thousand five hundred fifty-seven dollars, . . . . .	35,557 00
Hampshire County,	Eight thousand six hundred thirty-eight dollars, . . . . .	8,638 00
Hampden County,	Fourteen thousand three hundred sixty-seven dollars, . . . . .	14,367 00
Franklin County,	Seven thousand three hundred thirty-eight dollars, . . . . .	7,338 00
Berkshire County,	Eleven thousand two hundred eighty-five dollars, . . . . .	11,285 00
Norfolk County, .	Twenty-eight thousand three hundred seventy-eight dollars, . . . . .	28,378 00
Bristol County, .	Twenty-four thousand fifty-one dollars, . . . . .	24,051 00
Plymouth County,	Twelve thousand seven hundred thirty-four dollars, . . . . .	12,734 00
Barnstable County,	Six thousand one hundred sixty-one dollars, . . . . .	6,161 00
Dukes County, .	One thousand one hundred five dollars, . . . . .	1,105 00
Nantucket County,	Two thousand seven hundred ninety-dollars, . . . . .	2,790 00
		<b>\$359,988 00</b>

SECTION 2. The treasurer of this Commonwealth shall forthwith send his warrant, with a copy of this act, directed to the selectmen or assessors of each city or town taxed as aforesaid, requiring them respectively, to assess the sum so charged, according to the provisions of the seventh chapter of the Revised Statutes; and to add the amount of such tax to the amount of town and county taxes to be assessed by them respectively on each city or town.

SECTION 3. The treasurer in his said warrant, shall require the said selectmen or assessors to pay or to issue

Treasurer shall issue warrants to selectmen, &c.

When payable.



Names of treasurers to be returned.

One per cent. per month additional for delinquency.

their several warrant or warrants, requiring the treasurers of their several cities or towns to pay to said treasurer of the Commonwealth, on or before the first day of December, in the year one thousand eight hundred and fifty-eight, the sums set against said cities or towns in the schedule aforesaid; and the selectmen or assessors, respectively, shall return a certificate of the names of such treasurers, with the sum which each may be required to collect, to the said treasurer of the Commonwealth, at some time before the first day of October next.

SECTION 4. If the amount due from any city or town as provided in this act, shall not have been paid to the treasurer of the Commonwealth within the time specified, then the said treasurer shall notify the treasurer of said delinquent city or town, who shall pay into the treasury of the Commonwealth, in addition to the tax, such further sum as would be equal to one per cent. per month during such delinquency, dating on and after the first day of December next; and if the same shall remain unpaid after the first day of January next, an information may be filed by the treasurer of the Commonwealth in the supreme judicial court or before any justice thereof, against such delinquent city or town, and upon notice to such city or town, and a summary hearing thereon, a warrant of distress may issue against such city or town, to enforce the payment of said taxes, under such penalties as the said courts, or the justice thereof before whom the hearing is had, shall order.

SECTION 5. This act shall take effect from and after its passage.

*Approved March 27, 1858.*

### Chap. 150

#### AN ACT TO AMEND AN ACT CONCERNING INSURANCE COMPANIES.

*Be it enacted, &c., as follows :*

Act of 1856 amended.

SECTION 1. The thirty-ninth section of the two hundred and fifty-second chapter of the acts of the year eighteen hundred and fifty-six, is hereby so amended that any mutual fire insurance company which shall hereafter be incorporated by the legislature of this Commonwealth, may issue policies of insurance when the sum of two hundred and fifty thousand dollars shall have been subscribed to be insured, according to the provisions of said section.

SECTION 2. This act shall take effect from and after its passage.

*Approved March 27, 1858.*

### Chap. 151

#### AN ACT RELATING TO PUBLIC DIVERSIONS.

*Be it enacted, &c., as follows :*

Persons prohibited from being present at any

SECTION 1. No person shall be present at any game, sport, play or public diversion, except concerts of sacred music,

upon the evening following the Lord's day; nor upon the evening next preceding the Lord's day, unless such game, sport, play or public diversion, shall have been duly licensed by the persons or board authorized by law to grant licenses in such cases; and every person offending against the provisions of this act shall be punished by a fine not exceeding five dollars for each offence.

diversion on Sunday evening; and on Saturday evening unless licensed.

Penalty.

SECTION 2. The fifth section of the fiftieth chapter of the Revised Statutes is hereby repealed. *Approved March 27, 1858.*

Repeal.

AN ACT IN ADDITION TO AN ACT CONCERNING PUBLIC AMUSEMENTS. *Chap. 152*  
*Be it enacted, &c., as follows:*

SECTION 1. Any person who shall offer to view, or shall set up, set on foot, maintain or carry on any theatrical exhibition, public show, concert, or dance-hall exhibition of any description, at which "Lager Bier" or other intoxicating liquors are sold or exposed for sale, with the consent of those who get up, set on foot or otherwise promote such exhibitions or shows, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the house of correction not more than two years, unless such exhibition or show shall have been first duly licensed in the mode now provided by law for the licensing of all theatrical exhibitions, public shows, public amusements and exhibitions of every description, to which admission is obtained upon payment of money.

Penalty for maintaining theatrical exhibitions, &c., at which lager bier, &c., is sold, without license.

SECTION 2. Nothing in this act shall be deemed to authorize the mayor and aldermen of any city, or the selectmen of any town, to grant any license for the sale at any exhibition or show, of any liquors, the sale of which is now prohibited by law.

Sale of liquors now prohibited, not authorized.

*Approved March 27, 1858.*

AN ACT TO AUTHORIZE THE PINE STREET CONGREGATIONAL SOCIETY TO SELL CERTAIN REAL ESTATE. *Chap. 153*

*Be it enacted, &c., as follows:*

SECTION 1. The Pine Street Congregational Society, of Boston, is hereby authorized to sell and convey by deed, free from and discharged of all and every trust, its land and meeting-house, situated at the corner of Pine and Washington Streets, in said Boston, and to use the proceeds thereof, after paying the debts of said society, to purchase a lot of land in any part of the city of Boston, and to build thereon another meeting-house: *provided, however,* that this act shall, within one year from its passage, be accepted, and the conveyance aforesaid authorized by said society, at a meeting legally notified and called for that purpose.

May sell real estate, &c.

Proceeds, how to be used.

Proviso.

SECTION 2. This act shall take effect from and after its passage.

*Approved March 27, 1858.*

### Chap. 154

#### AN ACT IN RELATION TO THE CRIME OF MURDER.

*Be it enacted, &c., as follows :*

Murder in first degree.

SECTION 1. Murder, committed with deliberately premeditated malice aforethought, or in the commission of an attempt to commit any crime punishable with imprisonment for life, or committed with extreme atrocity or cruelty, is murder in the first degree.

Second degree.

SECTION 2. Murder not appearing to be in the first degree is that in the second.

Degree to be found by jury.

SECTION 3. The degree of murder is to be found by the jury.

Punishment in first degree.

SECTION 4. Whoever is guilty of murder in the first degree shall suffer the punishment of death for the same, subject, however, to such conditions, regarding the time and manner of executing sentence, and the custody or imprisonment of the convict prior thereto, as shall have been otherwise provided by law.

Punishment in second degree.

SECTION 5. Whoever is guilty of murder in the second degree, shall be punished by imprisonment in the state prison for life.

How to be construed.

SECTION 6. Nothing herein shall be construed to require any modification of the existing forms of indictment.

SECTION 7. This act shall take effect from and after its passage.

*Approved March 27, 1858.*

### Chap. 155

#### AN ACT TO AMEND THE TWO HUNDRED AND EIGHTY-NINTH CHAPTER OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND FIFTY-TWO, CONCERNING RETURNS BY JUSTICES OF THE PEACE.

*Be it enacted, &c., as follows :*

Act of 1852 amended.

SECTION 1. The two hundred and eighty-ninth chapter of the acts of the year eighteen hundred and fifty-two is hereby so amended, that those justices of the peace and police justices before whom criminal causes shall have been actually commenced or examined during the year ending on each thirty-first day of December, and no others, shall be required to make returns as therein specified. And the secretary of the Commonwealth shall not furnish blank forms for returns to any justices of the peace, except such as are authorized to hear criminal causes.

Secretary to transmit returns to auditor, and auditor to report to legislature.

SECTION 2. The returns received from the officers named in chapter two hundred and sixteen of the acts of the year eighteen hundred and fifty-one, and chapter two hundred and eighty-nine of the acts of the year eighteen hundred

and fifty-two, shall be transmitted by the secretary as soon as received, to the auditor, who shall examine and report upon the same to the legislature.

SECTION 3. All acts or parts of acts, requiring said returns or an abstract thereof to be printed, are hereby repealed. Repeal.

*Approved March 27, 1858.*

AN ACT TO DEFINE THE SALARY OF THE ADJUTANT-GENERAL.

*Chap. 156*

*Be it enacted, &c., as follows :*

SECTION 1. The salary of the adjutant and quartermaster-general is hereby established at one thousand eight hundred dollars per annum, to be computed at that rate from the first day of January, in the year one thousand eight hundred and fifty-eight; said salary to be in full compensation for all services whatsoever rendered to the Commonwealth by said officer, including those as keeper of the public magazines, munitions of war, entrenching tools, and all other implements of war belonging to the Commonwealth. Salary of adjutant-general established.

SECTION 2. This act shall take effect from and after its passage.

*Approved March 27, 1858.*

AN ACT CEDING JURISDICTION OVER CERTAIN LANDS IN BOSTON TO THE UNITED STATES.

*Chap. 157*

*Be it enacted, &c., as follows :*

SECTION 1. Jurisdiction is hereby granted and ceded to the United States of America over a certain lot of land situate in the city of Boston, in this Commonwealth, and known, with the buildings thereon, as "The Masonic Temple," together with such tract or tracts adjacent thereto, and not exceeding in all, in addition to said first described lot, twenty-five thousand square feet, as may now, or hereafter be purchased by the United States, for the purpose of establishing and maintaining a court house thereon. And consent is hereby given to such purchase, the evidence thereof being duly recorded in the registry of deeds for the county of Suffolk: *provided, always*, that this Commonwealth shall retain and does retain concurrent jurisdiction with the United States, in and over all the lands aforesaid, so far that all civil processes, and all criminal processes, issuing under the authority of this Commonwealth, may be executed on said lands, and in any buildings thereon, or to be erected thereon, in the same way and manner as if jurisdiction had not been granted as aforesaid; and *provided*, that the exclusive jurisdiction shall revert to, and revest in, the Commonwealth of Massachusetts, whenever the said land shall cease to be used for the sole purpose herein before Jurisdiction ceded.

Provided.

Provided also.

declared; and *provided, also*, that the jurisdiction of the United States shall not include any part of any highway on which the said land may be bounded.

Act to be void unless, &c.

SECTION 2. This act shall be void unless a suitable plan of the premises, or such portion or portions thereof as may be purchased by the United States, shall be made and filed, by the United States, in the office of the secretary of this Commonwealth, within one year from the purchase of the land by the United States.

SECTION 3. This act shall take effect from and after the purchase of such lands, or of any portion or portions thereof, by the United States.

*Approved March 27, 1858.*

### Chap. 158

#### AN ACT TO REGULATE CERTAIN MATTERS OF FINANCE.

*Be it enacted, &c., as follows:*

Act of 1849 repealed in part.

SECTION 1. So much of the fourth section of chapter fifty-six, of the acts of the year one thousand eight hundred and forty-nine, as provides that the auditor shall submit to the legislature an estimate of expenses for the current year, in his annual report, is hereby repealed. It shall be the duty of every public officer or board having charge of any department of the public service requiring an expenditure of money from the state treasury, other than the payment of salaries, to submit in writing, to the speaker of the house of representatives, on or before the fifteenth day of January, in each year, a detailed estimate of the sums, which in the judgment of such officer or board will be necessary for the maintenance of the departments severally under their charge, for the current year.

Annual estimates to be made by public officers instead of auditor.

Annual report of auditor to contain a summary statement of receipts and payments each year, from the treasury, &c.

SECTION 2. The annual report of the auditor shall contain a summary statement of the receipts into and payments from, the treasury of the Commonwealth in each year: said report shall also contain a detailed and particular statement of the receipts and expenditures belonging to each year; and for the purposes of this statement the account of receipts shall include all the revenue properly accruing or provided by law during the year, whether any part thereof be unpaid at the end of the year or not: *provided*, that the amount of revenue thus unpaid shall be distinguished in the account. In like manner, the account of expenditures in the detailed statement, shall include, first, the total expense incurred during the year, for the support of all permanent departments, services and institutions; and second, all exceptional and special charges, incurred for objects ordered within the year, the account being constructed in such manner as to show the total expenditure actually incurred within the year,

Proviso.

whether the same has been paid during the year, or whether the whole or a part thereof, remain unpaid at the close of the year: *provided*, that the amounts paid and unpaid, shall be properly distinguished. The variations between said summary account and said detailed account, shall be indicated and explained by proper notes and references.

SECTION 3. The annual report of the auditor, made next after the passage of this act, shall contain a recapitulation of the receipts and expenditures of the year one thousand eight hundred and fifty-seven, as well as of the year one thousand eight hundred and fifty-eight, constructed upon the principles laid down in the preceding section.

Auditor's report for 1858 to contain a recapitulation of receipts, &c., of 1857.

SECTION 4. The auditor's report, in each year, shall show the aggregate amount of funded debt at the beginning and end of the year respectively, the balance of increase or decrease, and a statement of the cause of such balance; and in like manner, shall show the aggregate amount of the temporary loan, at the beginning and end of the year, the balance of increase or decrease, and a statement of the cause of such balance. The report shall likewise state whether the ordinary expenses of the year have exceeded the income, or the contrary, and show the amount of the balance, with an explanation of the means by which any deficit may have been met, or of the purposes to which any surplus may have been applied.

Auditor's report in each year to show aggregate amount of funded debt, &c.

SECTION 5. It shall be the duty of the auditor to include in his report, the items of all accounts of expenditure, so far as they may be useful or interesting to the people of the Commonwealth; and in particular, so far as may be practicable, the various heads of expenditure shall be separated, so as to show the different officers or boards, under whose directions the several portions of the expenditure have been incurred; all salaries and other general charges shall likewise be separated, so as to show the different classes of officers who received the several portions of the expenditure; and no expenditure exceeding five hundred dollars, shall be included under any indefinite head, if it be composed of separate items.

Auditor to include in his report items of all accounts of expenditures, &c.

SECTION 6. The auditor's report shall annually, contain a particular statement of the manner in which the moiety of the income of the school fund, applicable to educational purposes, has been disbursed.

Auditor's report to contain manner of disbursement of school fund.

SECTION 7. The auditor's report shall hereafter state the amount paid to each county, in reimbursement of the costs of criminal prosecutions, in such manner as to show the whole amount charged, the amount credited for fines and

Auditor's report to state the amount paid to each county for costs of criminal prosecutions.

forfeitures, and the balance ; also, the amount of commissions allowed on such payments, to the treasurer of each county.

Auditor's report to describe new investments of state funds.

SECTION 8. The auditor's report shall hereafter describe the new investments of any portion of the funds belonging to the Commonwealth, which may have been made during the year.

Manner of estimating value of Western Railroad stock, by treasurer and auditor.

SECTION 9. In estimating the value of the shares of Western Railroad stock belonging to the Commonwealth, the treasurer and auditor shall not assign a separate numerical value to the rights in the loan sinking fund ; and all railroad shares or other securities, shall be reckoned at their market value at the time of making the report.

Cash on hand at beginning of each year to be reckoned, &c.

SECTION 10. The cash on hand on account of ordinary revenue, at the beginning of each year, shall be reckoned a part of the ordinary revenue of that year.

Expenditures limited to \$100 under resolve of 1857.

SECTION 11. No order of either branch of the legislature, and no concurrent order of the two branches, shall be valid to authorize the expenditure of more than one hundred dollars, by virtue of the provisions of chapter nineteen of the resolves of the year one thousand eight hundred and fifty-seven, unless a specific appropriation of a larger sum has been previously made.

No legislative committee to incur any expenditure after close of regular session, unless, &c.

SECTION 12. No committee of the legislature shall incur any expenditure or liability in behalf of the Commonwealth, after the close of the regular session, unless there be a subsisting appropriation therefor, previously made by law ; and the amount of the expenditure or liability shall be limited by the appropriation.

Chap. 11 of acts of present year to apply.

SECTION 13. The second, third, fourth, fifth, sixth, seventh and eighth sections of chapter eleven of the acts of the present year shall be general in their application to all appropriations, as well as to those contained in said chapter eleven ; *provided*, that the seventh section aforesaid shall not be construed to prevent any public officer or board from continuing the several departments of service under their charge, during the month of January in any year, at the same rate of expenditure as may have been authorized by the appropriations for the preceding year, until the pleasure of the legislature shall be made known.

Proviso.

No public officer to incur any new expense unless, &c.

SECTION 14. No public officer or board shall incur any new or unusual expense, make any permanent contract, increase any salary, or employ any new clerk, assistant or other subordinate, at any time, unless an appropriation sufficient to cover the necessary expense thereof, shall have been previously made by the legislature.

SECTION 15. The expression in any act or resolve containing appropriations, that such appropriations are made for a certain year, shall not be construed to prevent the application, in the following year, of any unexpended balance of such appropriations, to the same objects for which they were originally designated.

Acts, &c., making appropriations, how construed.

SECTION 16. The treasurer is hereby authorized and directed from time to time, whenever it can advantageously be done, to dispose of the securities belonging to the Western Railroad stock sinking fund, amounting to two hundred and sixteen thousand eight hundred and sixty-six dollars and forty-seven cents, on which the money was advanced by a temporary loan; and to repay the said temporary loan with the avails of such sales as he may make.

Treasurer to dispose of Western Railroad stock sinking fund.

SECTION 17. The current interest on all temporary loans to the Commonwealth from banks, corporations or individuals, shall be paid semi-annually, on the first days of April and October in each year.

Interest on temporary loans to be paid semi-annually.

SECTION 18. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

Repeal.

SECTION 19. This act shall take effect from and after its passage.

*Approved March 27, 1858.*

AN ACT FOR THE APPOINTMENT OF WATCHMEN AND FIREMAN TO THE STATE HOUSE.

*Chap. 159*

*Be it enacted, &c., as follows :*

SECTION 1. The sergeant-at-arms shall annually appoint, subject to the approval of the secretary and treasurer of the Commonwealth, four good and discreet persons as watchmen of the state house, whom he may at any time remove, and for whose fidelity and good conduct, in said capacity, he shall be responsible. Said watchmen shall remain in the state house every night from nine o'clock in the evening, until sunrise the next morning, and maintain proper watch and guard for the security thereof; and two of said watchmen shall for the same purpose remain on duty during all other hours of the day when the outside doors are open.

Appointment and duties of watchmen.

SECTION 2. Said watchmen shall visit, each night, all the rooms in the state house in which fires have been kindled during the preceding day, and attend to their safety; and shall open the outside doors of the lower floor, and the gates, every morning, and close the same every evening, except Sabbath, and public holidays; and the keys of said doors and gates, and of the several apartments, shall be so deposited as that said watchmen may have ready access to them. Said watchmen shall also keep the lower floor and



entries of the state house clean and in good order; light, clean and keep in order the outside lamps; kindle and keep up suitable fires in all the offices (except that of the secretary of the Commonwealth) within the state house, and keep said offices at all times, clean and in good order; and shall perform all such other duties with regard to said offices as have been heretofore performed by the watchmen and messengers of the general court.

SECTION 3. Said watchmen shall take all proper care to prevent any trespass or injury being committed within or upon any part of the state house, or any of the appurtenances thereof belonging to the Commonwealth; and if any such trespass or injury occur, and the offender be known to either of the said watchmen, they shall forthwith give notice thereof to the attorney-general, in order that such offender may be prosecuted therefor.

Watchmen to perform duties of messengers.

SECTION 4. The said watchmen shall also perform the duties of messengers to the general court during the sessions of the legislature; and in full compensation for all services required of them by the sergeant-at-arms, under this act as watchmen throughout the year, and messengers during the annual session of the legislature, they shall be paid from the treasury of the Commonwealth, in quarterly instalments, a salary of seven hundred and fifty dollars each.

Compensation.

Appointment of fireman.

SECTION 5. The sergeant-at-arms shall further have authority to appoint one person as a fireman, who shall make and attend the fires in the basement of the state house, and shall perform such other duties as may be required by the sergeant-at-arms; and in full compensation for all said services shall receive a salary of six hundred dollars, to be paid quarterly from the treasury of the Commonwealth.

Compensation.

Act of '58 and resolve of '56 repealed.

SECTION 6. Chapter one hundred and nineteen of the acts of the year one thousand eight hundred and fifty-three, and chapter eighty-one of the resolves of the year one thousand eight hundred and fifty-five, are hereby repealed.

Salaries to be computed from January 1, 1858.

SECTION 7. The salaries herein mentioned shall be computed from the first day of January, in the year one thousand eight hundred and fifty-eight.

SECTION 8. This act shall take effect from and after its passage.

*Approved March 27, 1858.*

## Chap. 160

AN ACT AMENDING "AN ACT TO ESTABLISH THE CITY OF NEWBURYPORT."

*Be it enacted, &c., as follows:*

Act of 1851 amended.

SECTION 1. The act approved May twenty-fourth, eighteen hundred and fifty-one, entitled "An Act to establish the

City of Newburyport," is hereby amended and altered, as follows, to wit: one overseer of the poor, being selected from each ward, shall, at the next municipal election, after the acceptance of this act, as hereinafter provided, be elected by the qualified voters of the city at large, voting in their respective wards, who, together with the mayor *ex officio*, as chairman of the board, shall constitute the board of overseers of the poor. At the first meeting of the board thus elected, they shall divide themselves, by lot, into two classes of three each; those of the first class to serve for one year; and those of the second class to serve for two years; and thereafter annually, at the municipal election of said city, there shall be elected, in the manner above provided, three overseers of the poor to serve for two years; but no two of the members of said board shall be residents, at the time of their election, of the same ward; vacancies in the board to be filled by the city council in convention.

Overseers of the poor to be selected by the voters of the city at large, who, with mayor, to constitute the board.

Division of board into two classes; first class to serve one year, second two years, &c.

SECTION 2. The school committee to be elected at the municipal election next after the acceptance of this act, as hereinafter provided, shall, at the meeting for the organization of said school committee, be divided by lot into two classes of six each, one from each ward; those of the first class to serve for one year, and those of the second class to serve for two years; and thereafter, annually, at the municipal election of said city, there shall be elected in each ward, one resident of said ward, who shall be a member of the school committee of said city for the term of two years.

Division of school committee into two classes; first class to serve one year, second two years, &c.

SECTION 3. This act shall be submitted to the inhabitants of Newburyport, for their acceptance or rejection, at legal meetings to be called in the several wards of said city, within ninety days from the passage of this act, and shall take effect from and after its acceptance, by a majority of the votes cast at such meetings.

Act not to take effect until accepted.

*Approved March 27, 1858.*

AN ACT IN ADDITION TO AN ACT RELATING TO PERSONS COMMITTED TO THE STATE LUNATIC HOSPITALS, NOT HAVING A KNOWN SETTLEMENT IN THIS COMMONWEALTH.

*Chap. 161*

*Be it enacted, &c., as follows:*

The act approved by the governor on the twenty-third day of May, in the year one thousand eight hundred and fifty-seven, entitled "An Act relating to Persons committed to the State Lunatic Hospitals, not having a known settlement in this Commonwealth," shall not apply to any case where support has been furnished to any person at either of the state lunatic hospitals prior to the passage of said act.

Act of 1857 defined.

*Approved March 27, 1858.*

**Chap. 162****AN ACT RELATING TO THE GOVERNMENT OF PRISONS.***Be it enacted, &c., as follows :*

Removal of officers of state prison using intoxicating liquors.

SECTION 1. It shall be the duty of the inspectors of the state prison, forthwith to remove any officer, who holds his place at the pleasure of the inspectors and warden, who shall be known to use, as a beverage, intoxicating liquors.

Removal of officers of jails and houses of correction using intoxicating liquors.

SECTION 2. It shall be the duty of the overseers of the houses of correction, and the county commissioners in the several counties, forthwith to remove any officer, appointed by them to any position of trust or authority in any house of correction, who shall be known to use intoxicating liquors as a beverage ; and it shall also be the duty of the sheriffs of the several counties to remove any officer, appointed by them to any position of trust or authority, in the jails and houses of correction, who shall use intoxicating liquors as aforesaid.

SECTION 3. This act shall take effect from and after its passage.

*Approved March 27, 1858.***Chap. 163****AN ACT CONCERNING THE MARLBOROUGH BRANCH RAILROAD.***Be it enacted, &c., as follows :*

In case trustees under mortgage by company to Francis Brigham *et al*, sell franchise, &c., purchasers may associate, &c., for managing road.

SECTION 1. In case at any time, the then trustees under a mortgage made by the Marlborough Branch Railroad Company, to Francis Brigham, Francis D. Brigham and Obadiah W. Albee, by deed dated the first day of February, in the year of our Lord one thousand eight hundred and fifty-five, confirmed by act of the general court, approved on the sixteenth day of February, eighteen hundred and fifty-five, being chapter nineteen of the acts of that year, shall sell the franchise and other property mortgaged, under and in pursuance of the terms of said deed of mortgage, the purchaser or purchasers, at such sale, may associate themselves together, under any name by them assumed, for the purpose of managing said railroad ; and they shall, together with their successors and assigns, be and remain a body corporate, under the name assumed by them ; but before they shall commence business, they shall make a certificate setting forth their corporate name, the amount of capital actually paid in, and the par value of the shares ; which certificate shall be signed and sworn to by the president, treasurer and a majority of the directors of said company, published in two daily Boston papers, and some paper published in the county of Middlesex, on three successive weeks at least, in each, and filed with the secretary of the Commonwealth ; and when so organized, they shall become a corporation, with like powers and privileges, and

Certificate of name assumed, amount of capital paid in, &c., to be published and filed with secretary of Commonwealth.

subject to the duties and restrictions set forth in the act incorporating the Marlborough Branch Railroad Company: *provided*, that no shares in the capital stock of said company, shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares first issued. Proviso.

SECTION 2. Any such sale shall not in any way affect or impair any contract now subsisting between the Marlborough Branch Railroad Company and any other company, in relation to the use and running of said road, but the purchaser or purchasers, at any such sale, and the corporation which may be thereupon formed, in pursuance with the provisions of this act, shall have all the rights and be subject to all the duties and liabilities of the said Marlborough Branch Railroad Company, under any such contract. Sale not to affect any contract between Marlboro' Branch and any other railroad company.

SECTION 3. The Marlborough Branch Railroad Company may issue bonds for the purpose of taking up and paying the bonds, and other indebtedness of said company secured by the mortgage herein before referred to; and the trustees under said mortgage shall, in case any such bonds are issued, hold the property mortgaged, as security for the payment of any such bonds so issued by said company, in the same manner and upon the same terms and conditions in all respects, as the same is now held by them as security for the indebtedness of said company intended to be secured thereby; and said company may make such further conveyance as security, or in confirmation thereof, as they may deem necessary: *provided, however*, that said mortgaged property shall be held and applied, in the first instance, to the payment in full, principal and interest, of all indebtedness now secured thereby; and nothing herein contained shall prevent said trustees from taking any and all steps, and exercising any and all rights given them under said mortgage, for the security and payment of the indebtedness now secured thereby. Company may issue bonds for payment of its debts.  
Trustees to hold property mortgaged as security for payment of bonds, &c.

Proviso.

Trustees to take necessary steps to secure payment, &c.

Approved March 27, 1858.

AN ACT CONCERNING THE SURVEY OF LUMBER, ORNAMENTAL WOOD  
AND SHIP TIMBER.

Chap. 164

*Be it enacted, &c., as follows:*

SECTION 1. There shall be elected at the annual meeting of each town, and appointed by each city in the Commonwealth, one or more well qualified and skilful surveyors of lumber, who shall hold office for one year and until their successors be chosen and appointed, unless sooner removed: *provided*, that the several cities may, from time to time, establish any ordinances, with suitable penalties, respecting Election by each town and appointment by each city of surveyors of lumber.

Proviso.

the appointment of surveyors for said cities, as they may deem expedient.

**Duties.**

SECTION 2. The said surveyors shall survey oak and other hard wood commonly used in ship building, mahogany, ash and other ornamental wood, and all other lumber, hereafter brought for sale into this Commonwealth, according to the provisions of this act; and shall also survey all lumber manufactured in this state, when requested so to do by either the purchaser or seller: *provided*, that no surveyor shall survey any lumber in which he has a pecuniary interest.

**Proviso.**

Division of pine boards and planks into six sorts.

SECTION 3. In the survey of pine boards and planks, except southern pine, there shall be six sorts. The first sort shall be denominated number one, and shall include boards, not less than one inch thick, square edged, free from rot, shakes, and nearly free from knots and sap, except such boards and planks as are not less than fifteen inches wide, and not more than one-eighth waste, which shall be received as number one. The second sort shall be denominated number two, and shall include boards not less than one inch thick, and of which not less than seven-eighths is suitable for planing and first class finish: *provided*, that such boards as are clear but deficient in thickness as aforesaid, shall be received as number two. The third sort shall be denominated number three, and shall include boards not less than seven-eighths of an inch thick, and of which not less than three-fourths is suitable for planing and second class finish. The fourth sort shall be denominated number four, and shall include boards not less than seven-eighths of an inch thick, nearly free from rot and nearly square edged, free from loose and large branch knots, and suitable for covering buildings; all Norway pine boards and planks shall be included in the fourth, fifth and sixth sorts. The fifth sort shall be denominated number five, and shall include all boards and planks of every description not being within the other four denominations, except when one-third is worthless, which boards and planks shall be denominated refuse.

**Proviso.**

Division of pine joists, &c., into three sorts.

SECTION 4. In the survey of pine joists and dimension timber there shall be three sorts. The first sort shall be denominated number one, and shall include all joists and dimension timber that are sound and nearly square edged. The second sort shall be denominated number two, and shall include all other descriptions, except when one-third is worthless, which joists and dimension timber shall be denominated refuse.

Division of spruce, hemlock, &c., into three sorts.

SECTION 5. In the survey of spruce, hemlock, juniper and southern pine boards, planks, sawed timber and joists,

there shall be three sorts. The first sort shall be denominated number one, and shall include all boards, planks, sawed timber and joists that are sound and nearly square edged. The second sort shall be denominated number two, and shall include all other descriptions, except when one-third is worthless, which boards, planks, sawed timber and joists shall be denominated refuse.

SECTION 6. In the survey of ash, maple and other hard wood and ornamental boards, planks and joists, there shall be three sorts. The first sort shall be denominated number one, and shall include all boards, planks and joists that are free from rot, shakes and bad knots. The second sort shall be denominated number two, and shall include all other descriptions, except when one-third is worthless, which boards, planks and joists shall be denominated refuse.

Division of ash, maple, &c., into three sorts.

SECTION 7. In the survey of hewn timber, except mahogany and cedar, there shall be three sorts. The first sort shall be denominated number one, and shall include all timber that is sound and nearly square edged. The second sort shall be denominated number two, and shall include timber of all other descriptions except when one-third is worthless, which timber shall be denominated refuse.

Division of hewn timber, &c., into three sorts.

SECTION 8. In the survey of oak, juniper and spruce knees, there shall be two sorts. The first sort shall be denominated number one, and shall include all sound knees of the following dimensions: arm or root two feet long, body of knee four feet long, working thickness four inches; arm or root two feet and six inches long, body of knee four feet long, working thickness five and five and one-half inches; arm or root three feet long, body of knee four feet and six inches long, working thickness six and six and one-half inches; arm or root three feet and six inches long, body of knee four feet and six inches long, working thickness seven and seven and one-half inches; arm or root three feet and nine inches long, body of knee five feet long, working thickness eight and eight and one-half inches; arm or root four feet long, body of knee five feet and six inches long, working thickness nine and nine and one-half inches; arm or root four feet and six inches long, body of knee six feet long, working thickness ten and ten and one-half inches. The second sort shall be denominated refuse, and shall include all other descriptions of less dimensions than those specified in the first denomination; all knees shall have the working thickness marked thereon, respectively, and on the first sort, the number, "one," shall be marked thereon.

Division of oak, juniper, &c., into two sorts.

Mahogany and  
cedar, one sort.

SECTION 9. In the survey of mahogany and cedar, there shall be but one sort, and it shall be the duty of the surveyors, who are especially appointed to survey mahogany and cedar, to number all the mahogany and cedar logs or sticks contained in each lot or cargo in regular numerical order, and to mark the number of each log or stick, upon the same, in legible characters. And the said surveyor shall, to the best of his ability, ascertain the whole number of feet, board measure, in each and every log or stick, and what quantity thereof is merchantable, and what is refuse. And said surveyor shall thereupon issue a certificate or survey bill of said survey, in which shall be stated the number of each log or stick, and the whole number of feet contained in the same, and specifying the number of feet which is merchantable and refuse, respectively.

Hewn timber,  
&c., used for  
ship building, to  
be surveyed.

SECTION 10. All hewn timber, and all round timber used for masts and ship building, shall be surveyed and sold as ton timber, at the rate of forty cubic feet to the ton; oak and other timber and planks commonly used in ship building, shall have the true contents marked thereon in cubic feet or board measure, and in the first and second sorts, the numbers "one" and "two" shall be marked thereon respectively. In the survey of white and Norway pine boards, planks, joists, sawed timber and dimensions, the contents of the same shall be truly marked thereon in legible numbers, and on the second, third, fourth and fifth sort of white and Norway pine boards, planks and dimensions, the numbers shall be marked thereon respectively. All boards, planks, joists, sawed timber and dimension lumber shall be received and sold according to the contents thereof, as fixed and marked under the aforesaid regulations. In the admeasurement of round timber, one-fourth of the girth shall be taken for the side of the square.

In survey of Nor-  
way pine boards,  
&c., contents to  
be marked.

All boards, &c.,  
to be sold accord-  
ing to contents.

Fees for survey-  
ing and marking.

SECTION 11. The fees for surveying and marking, according to the foregoing provisions of this act, are to be paid by the purchaser, and shall be as follows: for white and Norway pine, spruce, hemlock, juniper and white wood boards, planks, joists, sawed timber and dimension, twenty-four cents for every thousand feet board measure; for southern pine flooring boards, thirty-four cents for every thousand feet board measure; for all kinds of pine, spruce, hemlock and juniper timber, twelve cents for every ton; for oak and other hard wood, twenty-four cents for every ton; for knees commonly used in ship building, three cents for each knee; for ash, maple and other hard wood and ornamental boards, planks and joists, forty cents for every thousand feet board

measure; for Cuba, Saint Domingo and other branch or hard mahogany, one dollar for every thousand feet board measure; and for mahogany from the bay of Honduras, and for cedar, seventy-five cents for every thousand feet board measure.

SECTION 12. If any surveyor shall be guilty of, or connive at, any fraud or deceit, in the surveying, numbering or marking the contents of any kind of wood or lumber, required by this act to be surveyed; or if any surveyor when requested by the owner of any lumber, to survey the same, shall, without good reason, refuse to perform the duty, he shall forfeit for each offence, a sum not less than ten, nor more than fifty dollars, to be recovered by indictment or complaint to the use of the town or city in which the offence shall have been committed.

Penalty for fraud, &c.

SECTION 13. If any person shall sell or purchase any lumber or wood herein named, brought into this Commonwealth for sale after the passage of this act, which has not been surveyed, numbered and marked, according to the provisions thereof, he shall forfeit a sum equal to double of the amount of fees for surveying the same; to be recovered by indictment or complaint, to the use of the town or city in which the offence shall have been committed.

Penalty for selling or purchasing without survey.

SECTION 14. If any person, not authorized by the provisions of this act, shall presume to perform any of the duties of surveyor of lumber, he shall forfeit a sum not less than fifty nor more than two hundred dollars, to be recovered by indictment or complaint, to the use of the town or city in which the offence shall have been committed.

Penalty for acting as surveyor without authority.

SECTION 15. So much of the twenty-eighth chapter of the Revised Statutes as relates to the survey of lumber, timber, shingles and clapboards, being all the sections from one hundred and forty-one to one hundred and fifty-nine, inclusive, and all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed: *provided*, that this act shall not be construed to remove or discharge from office the surveyors who have been appointed or elected for the present year.

Repeal.

Proviso.

*Approved March 27, 1858.*

AN ACT TO AMEND THE ACT TO INCREASE THE AMOUNT OF SPECIE IN THE COMMONWEALTH.

*Chap. 165*

*Be it enacted, &c., as follows:*

The banks in South Boston, instead of the weekly returns required by the three hundred and seventh chapter of the acts of eighteen hundred and fifty-four, shall make monthly returns, as required of the banks doing business in Massa-

Banks in South Boston to make monthly returns.



chusetts, and out of Boston, by the three hundred and seventh chapter of the acts of eighteen hundred and fifty-four; and the said banks in South Boston shall return the monthly average amount of balances in other banks not bearing interest, which may be applied to the redemption of their bills, and the same shall be considered and deemed as equivalent to specie for the purposes of the act passed the present year, "to increase the amount of specie in the Commonwealth."

*Approved March 27, 1858.*

### Chap. 166

#### AN ACT CONCERNING THE MILITIA.

*Be it enacted, &c., as follows :*

Attendance of militia at encampment, &c. A regimental staff officer to ascertain and certify upon returns of duty in camp, &c.

SECTION 1. When the volunteer militia shall be engaged in camp duty, each company roll-call, during the term of encampment, shall be made under the supervision and in presence of a regimental or commissioned staff officer, to be designated by the commanding officer of any regiment or battalion to which said company shall be attached; and said commanding officer shall certify upon the duplicate returns of duty in camp, now by law required to be made by commanders of companies, that such company did, on the several days of encampment, well and faithfully perform all the duties required by law on such days, and that the number of officers, non-commissioned officers, musicians and privates, reported as present and doing duty each day, in such duplicate returns, is correct. And no compensation shall be allowed to any person who shall not remain in camp, and perform all required duties during the period of said encampment; excepting that any person who shall once appear, and be excused from further duty by reason of sickness, shall be entitled to compensation for the time he is actually engaged in service.

Compensation.

Amount allowed to cities and towns for armories to be determined by adjutant-general.

SECTION 2. The amount to be allowed to the several cities and towns, for defraying the expense of armories furnished to companies of the volunteer militia, shall be adjudicated and determined by the adjutant-general, within the limit of existing law; and the said adjutant-general shall be the sole commissioner for the purpose specified in the third section of chapter one hundred and eighty-eight of the acts of eighteen hundred and fifty-three.

Companies may be disbanded when reduced below thirty-two.

SECTION 3. When any company of said militia shall appear, from any return made to the adjutant-general, to be reduced below thirty-two privates, present and doing duty, at the time for which said return shall be made, said company may be forthwith disbanded by the commander-in-chief.

SECTION 4. No election of officers shall be ordered in any company, hereafter organized, unless at least fifty men shall have enlisted in said company; and no company shall be hereafter organized, if the same shall cause the whole number of the volunteer militia to exceed five thousand officers and men.

No election of officers in companies of less than fifty.

Number of militia not to exceed five thousand.

SECTION 5. Not more than fifty privates shall hereafter be returned for bounty, for the performance of militia service in any infantry or rifle company: and no company shall hereafter return for pay, but one captain, one first and one second lieutenant, four sergeants, four corporals and two musicians: and no election shall hereafter be ordered for any third or fourth lieutenant.

Number of privates and officers to be returned for bounty.

SECTION 6. The two divisionary companies of cadets, and such third and fourth lieutenants as may be in commission when this act shall take effect, are excepted from the restrictions of the fifth section.

Companies and officers excepted.

SECTION 7. No ground shall hereafter be occupied or used for a military encampment, in time of peace, without the consent of the selectmen of the town, or the mayor and aldermen of the city, where such encampment shall be made.

No ground to be used for encampment without consent of municipal authorities.

SECTION 8. The first section of chapter two hundred and eighteen of the acts of eighteen hundred and forty-nine; the fifth section of chapter one hundred and four of the acts of eighteen hundred and fifty-two; chapter three hundred and three of the acts of eighteen hundred and fifty-seven, and all other acts and parts of acts, inconsistent with this act, are hereby repealed: *provided*, that this repeal shall not revive any acts or parts of acts repealed in or by any of the acts herein referred to.

Repeal.

Proviso.

SECTION 9. This act shall take effect from and after its passage.

*Approved March 27, 1858.*

#### AN ACT CONCERNING ISSUES OF STOCK BY CORPORATIONS.

*Be it enacted, &c., as follows:*

No corporation hereafter created by the authority of this Commonwealth, having a capital stock divided into shares, shall issue any shares in said capital stock, for a less sum or amount, to be actually paid in, on each share, than the par value of the shares which shall be first issued; unless the same shall be authorized by special provision of the act of incorporation, or by act of the legislature, subsequently obtained.

#### Chap. 167

Corporations hereafter created, not to issue shares at less than par, unless by special authority.

*Approved March 27, 1858*

**Chap. 168****AN ACT IN RELATION TO THE STATE ALMSHOUSES.***Be it enacted, &c., as follows :*

Superintendents may contract for employment of inmates, and discharge them from institution, &c.

SECTION 1. The superintendents of the several state almshouses, shall have power, with the consent of the inspectors, to contract, with any person or persons, for the employment of any inmate of said institutions in any kind of lawful labor, for such wages or on such terms as the said superintendent and inspectors shall approve ; and whenever such contract shall be made, such inmate shall be discharged from the institution ; and if any inmate for whom such contract has been made, shall refuse to avail himself of the employment so offered, he shall forfeit all claim to support, as a state pauper.

SECTION 2. This act shall take effect from and after its passage.

*Approved March 27, 1858.***Chap. 169****AN ACT TO INCORPORATE THE INDIA FIRE AND MARINE INSURANCE COMPANY.***Be it enacted, &c., as follows :*

Corporators.

Name.

Location.

Purpose.

Privileges, restrictions, &c.

Capital \$100,000, in shares of \$100 each.

Real estate not to exceed \$15,000.

SECTION 1. George Peabody, Richard S. Rogers and John Bertram, their associates and successors, are hereby made a corporation for the term of twenty years from the passage of this act, by the name of the India Fire and Marine Insurance Company, to be established in the city of Salem, for the purpose of making insurance against losses and damage by fire, and maritime losses ; with all the privileges and powers, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and all other general laws in force relative to insurance companies.

SECTION 2. The said corporation shall have a capital of one hundred thousand dollars, divided into shares of one hundred dollars each, with liberty to pay in and increase the same to an amount not exceeding two hundred thousand dollars, and may hold real estate for its own use, not exceeding in value fifteen thousand dollars.

SECTION 3. This act shall take effect from and after its passage.

*Approved March 27, 1858.***Chap. 170****AN ACT IN RELATION TO DELINQUENT AGENTS OF FOREIGN INSURANCE COMPANIES.***Be it enacted, &c., as follows :*

Agent failing to make returns, &c., to be relieved from penalties incurred under acts of 1856 and 1858.

SECTION 1. Every agent of a foreign insurance company who has failed to make the returns, or to file the bond required by the two hundred and fifty-second chapter of the acts of eighteen hundred and fifty-six, shall be relieved from

the payment and forfeiture incurred by him under the provisions of the two hundred and fifty-second chapter of the acts of eighteen hundred and fifty-six aforesaid, and of the forty-ninth chapter of the laws of eighteen hundred and fifty-eight; and if said penalties and forfeitures have been paid by such agent, pursuant to the provisions of said acts, the amount so paid shall be refunded to him by the treasurer of the Commonwealth: *provided*, that within thirty days from the passage of this act, such agent shall file the bond or make the returns required by law as aforesaid, and also shall make it appear to the satisfaction of the treasurer of the Commonwealth that the neglect by which such penalty was incurred was occasioned by inadvertence and not by wilful neglect.

*Proviso.*

SECTION 2. It shall be the duty of the insurance commissioners to forward to each agent of the foreign insurance companies in the Commonwealth known to them, the appropriate blanks for the returns by said agents, required by the two hundred and fifty-second chapter of the acts of eighteen hundred and fifty-six.

*Commissioners to forward to agent blanks for returns.*

*Approved March 27, 1858.*

AN ACT CONCERNING THE MIDDLEBOROUGH AND TAUNTON, THE OLD COLONY AND FALL RIVER, AND THE CAPE COD RAILROAD CORPORATIONS.

*Chap. 171*

*Be it enacted, &c., as follows:*

SECTION 1. The Middleborough and Taunton Railroad Corporation is hereby authorized to enter with its track, upon the lands of the Old Colony and Fall River and Cape Cod Railroad Companies, in Middleborough, at the point where it now enters upon the same, and to occupy and use the said lands, and the track of the Old Colony and Fall River Railroad Company, which it has heretofore, with the consent of said corporation occupied and used, and to extend said track northerly, and connect the same, subject to the provisions of the one hundred and ninety-first chapter of the acts of the year eighteen hundred and forty-five, and the two hundred and ninety-first chapter of the acts of the year eighteen hundred and fifty-seven, by suitable switch or switches, with the main tracks of the Old Colony and Fall River, and Cape Cod Railroads, at the principal point of connection between said Cape Cod, and Old Colony and Fall River Railroads; all such switches to be so placed, adjusted and used, as not to interfere with the convenient use of its own road by the said Old Colony and Fall River Railroad Company, and to be under its control: *provided, however*, that if said Old Colony and Fall River Railroad

*Middleboro' and Taunton Railroad Co. may enter upon lands of Old Colony and Fall River and Cape Cod Railroad Co's in Middleboro', and occupy same and track of Old Colony and Fall River Railroad Co., extend said track and connect same with Old Colony and Fall River and Cape Cod Railroads, &c., subject, &c.*

Company, shall, at any time hereafter, construct a second or double track upon its said railroad, from Bridgewater to its depot in Middleborough, and shall give said Middleborough and Taunton Railroad Corporation, four months' notice in writing, of its intention so to do, then said Middleborough and Taunton Railroad Corporation shall, at the expiration of said four months, cease to occupy and use the aforesaid track of the said Old Colony and Fall River Railroad Company, which they are herein before authorized to use; but said Middleborough and Taunton Railroad Corporation shall be entitled, instead thereof, to lay down and occupy, upon any land of said Old Colony and Fall River, and Cape Cod Railroad Companies, lying westerly of said second track, and at a convenient distance therefrom, a new track, for the same purposes and use, and of the same kind, as it shall, under the authority of this act, have occupied and used before such notice, and to connect the same with the main tracks of the Old Colony and Fall River, and Cape Cod Railroads, as nearly as may be, at the same point at which it is herein before authorized to connect with said railroads.

Limited to provisions of this act.

SECTION 2. The said Middleborough and Taunton Railroad Corporation shall not enter upon, or connect with either the said Old Colony and Fall River, or Cape Cod Railroad, at any other point, or in any other manner, than is in this act before provided.

Compensation.

SECTION 3. The Middleborough and Taunton Railroad Corporation shall pay a reasonable annual compensation to the Old Colony and Fall River, and Cape Cod Railroad Companies for the use of their land, track, and such depot and other accommodations, as said Middleborough and Taunton Railroad Corporation has heretofore, or shall hereafter enjoy; and if said corporations shall not agree upon the sums so to be paid, or upon the periods when the main tracks of the Old Colony and Fall River Railroad are to be used, as aforesaid, then either party may apply to the supreme judicial court, for the appointment of commissioners, who shall determine the same, according to the provisions of the one hundred and ninety-first chapter of the acts of the year eighteen hundred and forty-five, the two hundred and ninety-first chapter of the acts of the year eighteen hundred and fifty-seven, and of this act.

Construction of act.

SECTION 4. Nothing in this act contained shall be construed to authorize either of the railroad corporations herein named, to enter upon the main track or tracks of either of the other of said corporations, with any locomotive, without the consent of said other corporation, except for the purpose

of transferring the cars of one corporation from their railroad to the railroad of the other corporations.

SECTION 5. The several locations of the Middleborough and Taunton, the Old Colony and Fall River, and the Cape Cod Railroad Corporations are hereby confirmed; and said corporations, or either of them, are hereby authorized, at any time within one year from the passage of this act, to file new descriptions of the whole, or any part, of their locations as the same now exist.

Locations confirmed, and new descriptions of same authorized to be filed.

*Approved March 27, 1858.*

AN ACT CONCERNING THE PURCHASE AND SALE OF SPIRITUOUS AND INTOXICATING LIQUORS FOR TOWN AGENTS.

*Chap. 172*

*Be it enacted, &c., as follows:*

SECTION 1. Whoever may be appointed by the governor, by and with the advice and consent of the council, to purchase and sell spirituous or intoxicating liquors to the several agents appointed or to be appointed under the provisions of chapter four hundred and seventy of the acts passed in the year one thousand eight hundred and fifty-five, entitled "An Act concerning the Purchase and Sale of Spirituous or Intoxicating Liquors," shall hold office for the space of one year from the date of his commission, or until a successor shall be duly commissioned and qualified in his stead, unless sooner removed by the governor.

Term of office of commissioner.

SECTION 2. All spirituous or intoxicating liquors kept for sale by the commissioner appointed for the purpose aforesaid, shall be analyzed by one of the state assayers; and such commissioner shall sell no spirituous or intoxicating liquors except such as one of said assayers shall, in writing, certify to be pure: the expense of such analysis, which shall not exceed one per cent. of the cost of the liquor, shall be paid by the commissioner, and may be by him charged as part of the cost of the liquor.

Liquors to be analyzed by state assayer.

SECTION 3. In case of the death or removal of the commissioner or person appointed for the purpose aforesaid, and the appointment of a successor, such successor shall purchase his predecessor's stock of spirituous or intoxicating liquors, which shall have been analyzed and certified as aforesaid, to an amount not exceeding twenty-five per cent. of his last year's sales.

Commissioner's successor to purchase his stock.

SECTION 4. If the parties cannot agree upon the value of the liquors so to be purchased, the same shall be fixed and determined by three persons, one to be appointed by the person so purchasing, one by the person owning the liquors, and the third by the two so appointed; and their award shall be binding on the parties.

In case of disagreement, value of stock to be fixed by appraisers.

Commissioner to report annually to secretary of Commonwealth.

SECTION 5. The commissioner or person appointed for the purpose aforesaid, shall annually, on or before the fifteenth day of October, report to the secretary of the Commonwealth the amount of sales of liquors to the city and town agents, in detail; the cost thereof, his commissions, expenses and profits thereon; designating, also, the cities and towns which shall not have made purchases of him. The account shall be made up to the last day of the preceding month. It shall be printed by the secretary and included with the public series of documents and laid before the legislature.

Commissioner may appoint agents in Boston.

SECTION 6. The person so appointed is hereby authorized to appoint, from time to time, agents for the sale of pure liquors to be used for chemical, mechanical, medicinal and manufacturing purposes, within the city of Boston, with the same powers and liabilities, and subject to the same obligations with the agents appointed by the selectmen of towns, and the mayor and aldermen of cities, by the provisions of section five of chapter two hundred and fifteen of the acts of the year one thousand eight hundred and fifty-five; and such person shall appoint so many of such agents, not exceeding five, as he shall think the interests of the citizens of the city of Boston may require: *provided*, that the authority of such agents shall not continue after the person by whom they are appointed shall have ceased to hold office; and the persons so appointed shall sell such pure liquors at the lowest cash market prices.

Proviso.

City and town agents to report annually to secretary of Commonwealth.

SECTION 7. Every city and town agent, appointed according to the provisions of law for the sale of spirituous or intoxicating liquors, shall annually, on or before the fifteenth day of October in each year, make a return to the secretary of the Commonwealth, of the amount and kind of liquors purchased by him as such agent, with the date of each purchase and the price paid for the same, together with the name of the party of whom purchased; and said returns shall be kept on file in the secretary's office, and he shall not be required to print the same.

Penalty.

SECTION 8. Any city or town agent failing to make such return as is provided in the preceding section, shall forfeit and pay a fine not exceeding one hundred dollars, to be recovered by complaint or indictment, before any court competent to try the same.

City and town authorities to appoint agents.

SECTION 9. The mayor and aldermen of every city, and the selectmen of every town in the Commonwealth, shall annually, appoint an agent or agents for the sale of pure, spirituous and intoxicating liquors for medicinal, mechanical,

manufacturing and chemical purposes, according to the provisions of the law.

SECTION 10. This act shall take effect from and after its passage.

*Approved March 27, 1858.*

AN ACT SUPPLEMENTARY TO AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE CURRENT YEAR.

*Chap. 173*

*Be it enacted, &c., as follows :*

SECTION 1. The sums hereinafter mentioned are appropriated, and shall be allowed and paid out of the treasury of this Commonwealth, from ordinary revenue, upon the warrants of the governor, for the purposes specified, in addition to the appropriations contained in chapter eleven of the acts of the present year, to meet the current expenses of the year ending on the thirty-first day of December, one thousand eight hundred and fifty-eight; that is to say :

Additional appropriations for 1858.

For the mileage of representatives, additional, a sum not exceeding one hundred dollars.

Mileage of representatives.

For the compensation of the door-keepers, messengers and pages of the senate and house of representatives, and of such watchmen and fireman or firemen as may be employed in the state house, in accordance with the provisions of certain acts passed at the present session, a sum not exceeding seven thousand seven hundred dollars.

Compensation of door-keepers, &c.

For expenses incurred under former laws, authorizing employment of messengers and watchmen in the state house, two hundred and five dollars.

Expenses under former laws for messengers, &c.

For the authorized expenses of committees of the legislature, a sum not exceeding three hundred dollars.

Committees of legislature.

For the salary of the attorney for the county of Suffolk, three thousand dollars.

Attorney for Suffolk county.

For the salary of the assistant-attorney for the county of Suffolk, one thousand eight hundred dollars.

Assistant Att'y.

For the salary of the district-attorney for the eastern district, one thousand five hundred dollars.

Eastern District.

For the salary of the district-attorney of the northern district, one thousand five hundred dollars.

Northern.

For the salary of the district-attorney of the southern district, one thousand five hundred dollars.

Southern.

For the salary of the district-attorney of the middle district, one thousand three hundred dollars.

Middle.

For the salary of the district-attorney of the south-eastern district, one thousand dollars.

South-eastern.

For the salary of the district-attorney of the western district, one thousand two hundred dollars.

Western



North-western.	For the salary of the district-attorney of the north-western district, eight hundred dollars.
Land agent.	For the salary of the land agent, one thousand dollars.
Office expenses.	For the incidental expenses of the office of the land agent, a sum not exceeding fifty dollars.
Binding public documents.	For binding the "public" series of documents, a sum not exceeding eight hundred dollars.
Printing general laws.	For printing such number, not exceeding one hundred and fifty thousand, of the pamphlet edition of the general acts and resolves of the present year, for distribution of one copy thereof to each family, or each eight persons in the Commonwealth, in accordance with the provisions of chapter eighty-eight of the resolves of the year eighteen hundred and forty-seven, and chapter eighty-nine of the resolves of the year eighteen hundred and fifty, a sum not exceeding six thousand dollars.
Printing blue book.	For printing two thousand copies of the blue book edition of the acts and resolves of the present year, with the governor's messages and other matters in the usual form, but not including the constitution, a sum not exceeding one thousand dollars.
Printing report of board of agriculture.	For printing eight thousand copies of the report of the board of agriculture, a sum not exceeding four thousand five hundred dollars.
Publication of general laws.	For the publication of the general laws, and all other information intended for the public, in accordance with the provisions of chapter twenty-four of the resolves of the year one thousand eight hundred and fifty-seven, three hundred dollars.
Almshouses—Tewksbury, Monson, and Bridgewater. Hospital at Rainsford Island.	For the current expenses of the state almshouses, for the present year, not provided in chapter eleven of the acts of the present year, the following sums, namely: state almshouse at Tewksbury, a sum not exceeding thirty-six thousand dollars; state almshouse at Monson, a sum not exceeding thirty-three thousand eight hundred and thirty-six dollars; state almshouse at Bridgewater, a sum not exceeding twenty-eight thousand dollars; and for the current expenses of the hospital at Rainsford Island, for the remainder of the year, not provided in chapter eleven of the acts of the present year, a sum not exceeding seventeen thousand five hundred dollars.
Alien commissioners and agents.	For the compensation and expenses of the alien commissioners, and agents employed by them according to law, a sum not exceeding seven thousand dollars.
Superintendent alien passengers.	For the compensation and expenses of the superintendent

of alien passengers, a sum not exceeding seven thousand dollars.

For the expenses of the adjutant and quartermaster-general's department, a sum not exceeding four thousand dollars. Adjutant-general

For military bounty, a sum not exceeding thirty-nine thousand seven hundred dollars. Military bounty.

For military accounts, a sum not exceeding five thousand one hundred and eighty-five dollars. Military accounts

For the rent of armories, a sum not exceeding twelve thousand dollars. Rent of armories.

For the salaries of the judges of probate, as they are established by law, for six months, a sum not exceeding three thousand five hundred and sixty-two dollars and fifty cents. Judges of probate.

For the salaries of the judges of insolvency, as they are established by law, for six months, a sum not exceeding five thousand two hundred and twenty-five dollars. Judges of insolvency.

For the salaries of the registers of probate, as they are established by law, a sum not exceeding twelve thousand and fifty dollars. Registers of probate.

For the salaries of the registers of insolvency, as they are established by law, a sum not exceeding ten thousand four hundred and seventy-five dollars. Registers of insolvency.

For the salaries of the judges of the new courts of probate and insolvency, for six months, a sum not exceeding seven thousand nine hundred and fifty dollars. Judges of probate and insolvency.

For the compensation and expenses of the board of insurance commissioners, a sum not exceeding four thousand dollars: *provided*, that no part of said sum shall be paid for services rendered or expenses incurred by said commissioners subsequent to the first Wednesday of January, in the present year, in the preparation of their third annual report. Insurance commissioners. Proviso.

To reimburse to the treasurers of the several counties, two-thirds of the costs of criminal prosecutions, in the manner prescribed by law, a sum not exceeding one hundred and fifty thousand dollars. Criminal prosecutions.

For the compensation of the messenger to the governor and council, eight hundred dollars. Messenger.

For the compensation of the assistant-messenger to the governor and council, three hundred and sixty-five dollars. Assistant do.

For the compensation of the copyists and assistants employed upon the New Plymouth Records, in the office of the secretary of the Commonwealth, during the month of Copyists on Plymouth Records.

January, one thousand eight hundred and fifty-eight, a sum not exceeding seven hundred dollars.

Blanks for cities and towns.

For the purchase, by the secretary of the Commonwealth, of blanks for the use of cities and towns, in the registration of births, marriages and deaths, a sum not exceeding three hundred and seventy-five dollars.

State prison.

For the support of the Massachusetts State Prison, in addition to the ordinary receipts of the institution, a sum not exceeding fifteen thousand dollars.

Courts of insolvency.

For certain expenses of the courts of insolvency, authorized by section twenty-three of chapter two hundred and eighty-four of the acts of the year one thousand eight hundred and fifty-six, including unpaid accounts of the past year, or similar accounts for the new courts of probate and insolvency, a sum not exceeding three thousand dollars.

Repairs of state house.

For further repairs and improvements of the state house and furniture thereof, and in the grounds connected therewith, to be expended under the supervision of the commissioners of the state house, in accordance with the provisions of chapter sixty-five of the acts of the year one thousand eight hundred and fifty-seven, a sum not exceeding sixteen hundred dollars.

Fees of witnesses.

SECTION 2. The appropriation for fees of witnesses contained in chapter eleven of the acts of the present year, may be applied, so far as may be necessary, to pay the expenses of taking depositions in cases where they were ordered or authorized by committees; subject to the same conditions as are attached to said appropriation in said chapter eleven.

Contingent expenses of council, &c.

SECTION 3. The appropriation for contingent expenses of the council, senate and house of representatives, contained in chapter eleven of the acts of the present year, may be applied to pay any necessary expenses in and about the state house, including repairs; and not more than fifty dollars thereof may be applied to pay necessary expenses in or about the house numbered twelve in Hancock Street in the city of Boston; the whole appropriation being subject to the conditions attached thereto in said chapter eleven.

SECTION 4. This act shall take effect from and after its passage.

*Approved March 27, 1858.*

**Chap. 174** AN ACT TO AUTHORIZE THE GRANITE RAILWAY COMPANY TO HOLD A MEETING FOR THE CHOICE OF OFFICERS.

*Be it enacted, &c., as follows:*

Any justice for Norfolk county may call a meeting, &c.

SECTION 1. Any justice of the peace for Norfolk county may call a meeting of the stockholders of the Granite Railway Company, first giving five days' notice to each stock-

of the one hundred and twenty-fourth chapter of the acts of the year eighteen hundred and fifty-five.

SECTION 2. It shall be the duty of said commissioners Duties of commissioners. to visit and examine, whenever they shall deem it necessary, any insurance company, or loan fund association, in this Commonwealth; and it shall be their duty so to do whenever they shall be requested, in writing, by five persons, each of whom is either a stockholder, or a creditor, or is in some way pecuniarily interested in said company or association; and it shall be the duty of said commissioners to calculate the existing value, on some day in every year, designated by them, of all outstanding policies of life insurance, in companies authorized to make insurance on lives in this Commonwealth; and such calculated values shall be included by the insurance commissioners in their annual report to the legislature. All companies making insurance upon lives, or their agents, in this Commonwealth, shall furnish to the commissioners an attested statement, certified in the same manner in which their returns are now required to be certified, setting forth in form the number, date and amount of each policy, and the age of the insured at the period of its date; in default whereof the said companies, or their agents, shall be liable to the same penalties as are imposed by law, for neglect to make returns.

SECTION 3. All acts and parts of acts inconsistent with this act, are hereby repealed.

*Approved March 27, 1858.*



# RESOLVES,

## GENERAL AND SPECIAL.

---

### RESOLVE IN FAVOR OF LAW LIBRARY ASSOCIATIONS.

#### Chap. 1.

*Resolved*, That the secretary of the Commonwealth be, and he is hereby authorized to furnish upon application, one copy of the acts and resolves passed by the general court, and also one copy of such volumes of the special laws of the Commonwealth, as he may have in his possession, not otherwise appropriated or required for the use of the Commonwealth, to the Social Law Library, located in the county of Suffolk; and also, to each law library association, which shall have been duly organized in conformity with the ninety-fourth chapter of the acts of the year eighteen hundred and forty-two, or the one hundred and eighty-fourth chapter of the acts of the year eighteen hundred and fifty-six.

Secretary to furnish copies of laws to libraries.

*Approved February 23, 1858.*

### RESOLVE RELATING TO THE STATE LIBRARY.

#### Chap. 2.

*Resolved*, That the trustees and librarian of the state library be, and they hereby are authorized to expend, in procuring furniture and other necessary conveniences for the library, such part as they may judge proper of the annual appropriation for the support of the library, provided by law.

Trustees to purchase furniture, &c., from appropriations.

*Approved February 24, 1858.*

### RESOLVE TO AUTHORIZE THE PAYMENT OF CERTAIN LOST COUPONS, DUE OCTOBER FIRST, ONE THOUSAND EIGHT HUNDRED AND FIFTY-SEVEN.

#### Chap. 3.

*Resolved*, That the treasurer of this Commonwealth be, and he hereby is authorized to pay to the president, directors and company of the Bank of Commerce, in Boston, the sum of four hundred and twenty-five dollars, being the amount of interest due on the first day of October, one thousand eight hundred and fifty-seven, expressed in seven-

Treasurer to pay Bank of Commerce \$425.

**Proviso.** teen coupons, numbered one to seventeen inclusive, attached to scrip issued in the year one thousand eight hundred and fifty-four: *provided*, that said president, directors and company shall first give to the treasurer a sufficient bond to indemnify the Commonwealth against any loss or damage by reason of such payment. *Approved February 26, 1858.*

**Chap. 4.** RESOLVES IN RELATION TO TOWN LINES BETWEEN THE TOWNS OF MARION AND WAREHAM.

**Commissioners to establish boundary line.** *Resolved*, That three commissioners be appointed by his excellency the governor, by and with the advice and consent of the council, whose duty it shall be, after having duly notified the clerks of the towns of Marion and Wareham, of the time and place appointed for hearing the parties, to establish the boundary line, now in dispute between the towns of Marion and Wareham, and duly report the same.

**Expenses.** *Resolved*, That the said towns of Marion and Wareham shall be required to defray the costs of said commission, each of said towns paying one-half of the same.

*Approved March 6, 1858.*

**Chap. 5.** RESOLVE ON THE PETITION OF JAMES LAWRENCE AND OTHERS.

**Conveyances made by executors confirmed.** *Resolved*, On the petition of James Lawrence and others, and for the reasons set forth therein, that the conveyances made by the executors of the will of Abbott Lawrence, of certain real estate to Edward S. Rand, by eight several deeds, all bearing date the eighteenth day of August, in the year eighteen hundred and fifty-seven, and recorded in Suffolk registry of deeds, and the several conveyances by the said Rand, by deeds annexed thereto, to the said James Lawrence, T. Bigelow Lawrence and Abbott Lawrence, and to James Lawrence, Benjamin S. Rotch, Charles H. Parker, T. Bigelow Lawrence and Abbott Lawrence, as trustees for James Lawrence, T. Bigelow Lawrence, Abbott Lawrence, Annie B. Rotch and Katharine B. Lowell, which conveyances were made in part satisfaction and payment of certain specific legacies, given in and by the said will, be, and the same are hereby confirmed. *Approved March 6, 1858.*

**Chap. 6.** RESOLVE ON THE PETITION OF THE NEW NORTH RELIGIOUS SOCIETY.

**Society authorized to mortgage real estate.** *Resolved*, That the New North Religious Society are hereby authorized and empowered to convey in mortgage, for the purpose of raising a sum not exceeding ten thousand dollars, to defray the debts and liabilities of said society, all or any part of that real estate, situate in the city of Boston,

which they hold through mesne conveyances, under the deed of Thomas Hutchinson to the deacons of their church, dated the fourth day of February, in the year one thousand seven hundred and seventeen, and recorded in the Suffolk registry of deeds, book thirty-two, page two hundred and twenty,—discharged from any and all conditions and trusts declared and contained, or supposed to be declared and contained in the deed aforesaid, or in any other deed or deeds through which they have derived their title to said real estate: *provided, however*, that this resolve shall, within one year from its passage, be accepted and the conveyance aforesaid authorized by said society, at a meeting legally notified and called for that purpose. Proviso.

*Approved March 11, 1858.*

RESOLVE IN FAVOR OF THE MASSACHUSETTS SCHOOL FOR IDIOTIC AND FEEBLE-MINDED YOUTH. Chap. 7.

*Resolved*, That the sum allowed to the treasurer of the Massachusetts School for Idiotic and Feeble-Minded Youth, according to chapter forty-four of the resolves of the year one thousand eight hundred and fifty-one, be increased for the current year to the sum of seven thousand five hundred dollars, which shall be used and applied according to the conditions of said forty-fourth chapter. \$7,500 appropriated for current year.

*Approved March 11, 1858.*

RESOLVE IN FAVOR OF THE MASSACHUSETTS CHARITABLE EYE AND EAR INFIRMARY. Chap. 8.

*Resolved*, That the sum of twenty-five hundred dollars be, and the same is hereby allowed from the treasury of the Commonwealth, to the Massachusetts Charitable Eye and Ear Infirmary, to be expended during the current year, under the direction of the trustees, for the charitable purposes of said infirmary: *provided*, that the said trustees report to the legislature, during the month of January next, the manner in which this appropriation has been expended. \$2,500 expended under direction of trustees.

Proviso.

*Approved March 12, 1858.*

RESOLVE ON THE PETITION OF JOHN MCGRATH.

Chap. 9.

*Resolved*, For reasons set forth in said petition, there be allowed and paid out of the treasury of the Commonwealth, to John McGrath, of Worcester, the sum of two hundred and fifty dollars as a gratuity from the state for injuries received by him in the state lunatic hospital at Worcester. \$250 to John McGrath.

*Approved March 16, 1858.*



**Chap. 10.****RESOLVE IN FAVOR OF THE STATE BOARD OF AGRICULTURE.**

\$4,000 appropriated.

*Resolved*, That the sum of four thousand dollars be allowed to the State Board of Agriculture, subject to the drafts of the treasurer of said board, to enable said board to execute properly its contract with the trustees of the State Reform School, and for the purchase of stock and necessary improvements on the farm; which sum of four thousand dollars, or such portion thereof as may be found necessary, shall be expended as follows, to wit: To pay the trustees of the State Reform School for the labor of the boys, a sum not exceeding two thousand dollars; to purchase cows and other live stock, a sum not exceeding one thousand dollars; to pay for laying walls, furnishing the grounds intended for a garden, setting out an orchard, paying the institution for offal, and other current expenses, a sum not exceeding one thousand dollars: *provided*, that no part of said sum of four thousand dollars, shall be expended in improvements or on contracts which will require a further expenditure for their completion.

Proviso.

*Approved March 16, 1858.*

**Chap. 11.****RESOLVE IN FAVOR OF THE CITY OF WORCESTER.**

\$164.82 to the city of Worcester

*Resolved*, That there be allowed to the city of Worcester, from the treasury of the Commonwealth, the sum of one hundred and sixty-four dollars and eighty-two cents, to reimburse to said city the amount paid to the state lunatic hospital at Worcester, for the support of Frances Collison, from June first, eighteen hundred and fifty-three, to December first, eighteen hundred and fifty-four, and for the support of Ann Smith from April fourteenth to June first, eighteen hundred and fifty-four; both of whom were subsequently ascertained to be state paupers.

*Approved March 17, 1858.*

**Chap. 12.****RESOLVE TO PROVIDE FOR THE DESTRUCTION OF CERTAIN CANCELLED SCRIP.**

Treasurer authorized to destroy scrip, &c.

*Resolved*, That the treasurer of this Commonwealth is hereby authorized and directed, in the presence of the auditor, and of any committee of the council who may be appointed for the purpose of witnessing the same, to destroy the scrip or certificates of debt bearing interest at the rate of five per cent. per annum, made by authority of chapter one hundred and thirty-four of the acts of the year one thousand eight hundred and fifty-four; new scrip, bearing interest at the rate of six per cent. per annum, having been issued in lieu thereof, by authority of chapter two hundred and forty-four of the acts of the year one thousand eight

hundred and fifty-seven; and said treasurer, auditor and committee, or a major part of them, shall thereupon certify the fact that said scrip has been destroyed, and their certificate shall be preserved in the office of the treasurer.

*Approved March 19, 1858.*

**RESOLVES AUTHORIZING THE TREASURER TO BORROW MONEY IN ANTICIPATION OF THE REVENUE.** *Chap. 13.*

*Resolved*, That all notes which may hereafter be given for money borrowed in anticipation of the revenue, shall be signed by the treasurer, approved by the governor, and countersigned by the auditor; and no note hereafter given shall be valid unless it is thus signed, approved and countersigned.

Notes to be signed by treasurer, approved by governor and countersigned by auditor.

*Resolved*, That chapter ninety-nine of the resolves of the year one thousand eight hundred and fifty-seven, is hereby repealed: *provided*, that this repeal shall not affect the validity of any notes given in accordance with its provisions prior to the passage of these resolves.

Repeal.

Proviso.

*Resolved*, That the treasurer be, and he hereby is authorized to require of the several banks in this Commonwealth, a loan of such sum or sums of money as may, from time to time, be necessary for the payment of the ordinary demands upon the treasury, within the current year; or he may borrow in like manner, of individuals or corporations; and he shall repay any sum which he may borrow, as soon as money sufficient for the purpose, not required for any other purpose, shall be received into the treasury: *provided*, that the whole amount of the temporary loan authorized by this resolve, and previous resolves, shall not at any time exceed five hundred thousand dollars.

Treasurer authorized to borrow of banks, &c.

*Approved March 23, 1858.*

**RESOLVES IN RELATION TO THE DISTRIBUTION OF THE NEW PLYMOUTH RECORDS.** *Chap. 14.*

*Resolved*, That in lieu of the manner heretofore provided for distributing the eight hundred printed copies of the several volumes of the New Plymouth Records, the following distribution is hereby established, and shall be made by the secretary of the Commonwealth; that is to say:

Distribution of records by secretary.

One copy to every city and town in the Commonwealth;

One copy to each registry of deeds, to be preserved with the public records;

One copy to each county law library;

One copy to each of the States and Territories of the Union;

One copy to the department of State of the United States;

One copy to the library of Congress ;  
 One copy to the Smithsonian Institution ;  
 One copy to the governor of this Commonwealth ;  
 One copy to the lieutenant-governor ;  
 One copy to the secretary of the Commonwealth ;  
 One copy to the president of the Senate, and one copy to the speaker of the House of Representatives ;  
 One copy to each of the justices of the supreme judicial court of this Commonwealth ;  
 One copy to the president of the United States ;  
 Twelve copies to the trustees of the state library, to be used for international exchanges ;  
 One copy to the Pilgrim Society ;  
 One copy to the Boston Athenæum ;  
 One copy to each incorporated college, and to each law school and each theological seminary in this Commonwealth ; one copy to each incorporated and free public library, and each incorporated historical and antiquarian society, (not already supplied,) within the Commonwealth: and the residue shall remain in the custody of the secretary of the Commonwealth, to be sold at a reasonable price, fixed by him, to any person or persons or institutions who may wish to purchase the same ; and the proceeds of such sales shall be paid into the treasury of the Commonwealth.

No city, town, registry, state, territory, department, library, institution, society, college or person to whom the records have been distributed under a former resolve, shall receive the same by virtue of the provisions of this resolve.

Account to be kept.

*Resolved*, That an exact account shall be kept by the secretary of the receipt and distribution of all the copies of said Records ; and an annual statement of the account shall be submitted to the legislature.

Repeal.

*Resolved*, That so much of the resolves of the year one thousand eight hundred and fifty-five, chapter nineteen, and of the resolves of the year one thousand eight hundred fifty-seven, chapter one hundred and seven, as is inconsistent with the provisions of these resolves, is hereby repealed.

*Approved March 23, 1858.*

### Chap. 15.

#### RESOLVE IN FAVOR OF THE TOWN OF CHILMARK.

\$70.19 to the town of Chilmark

*Resolved*, That there be allowed to the town of Chilmark, from the treasury of the Commonwealth, the sum of seventy dollars and nineteen cents, to reimburse the expenses incurred by that town in the support of Prince Johnson and family, members of the Gay Head tribe of Indians.

*Approved March 24, 1858.*

## RESOLVE FOR THE PAYMENT OF THE COMMISSIONERS ON BOSTON HARBOR.

## Chap. 16.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth, to S. S. Lewis and Ezra Lincoln, commissioners on survey of Boston Harbor, acting under Resolve of April seventh, eighteen hundred and forty-seven, the sum of fifteen hundred and ninety-seven dollars and twenty-five cents, in full payment of expenses and services rendered under said resolve.

\$1,597.25 to commissioners on survey of Boston harbor.

*Approved March 24, 1858.*

## RESOLVE IN RELATION TO INMATES OF STATE ALMSHOUSES.

## Chap. 17.

*Resolved*, That the superintendents of the state almshouses be, and hereby are directed to permit the inmates of the said institutions to receive the ministrations of clergymen of their own religious faith, under such regulations as the inspectors of the same may, from time to time, agree upon for the purpose of preserving proper order and discipline.

Inmates to have clergy of their own religious faith.

*Approved March 25, 1858.*

## RESOLVES ON THE PETITION OF DARIUS A. MARTIN.

## Chap. 18.

*Resolved*, That for the reasons set forth in the petition of Darius A. Martin, he is hereby empowered and authorized to deliver up to the agent appointed under the act entitled "An Act concerning the Purchase of Spirituous and Intoxicating Liquors for Town Agents," certain spirituous and intoxicating liquors held by him as a public officer described in said petition; and that said agent thereupon cause to be destroyed all of such liquors: *provided, however*, that if any of the same are, in the judgment of said agent, of sufficiently pure quality for the purposes set forth in said act, he shall allow the fair value of such portion thereof, and of the casks and vessels containing said liquor, and pay over the same into the treasury of the Commonwealth.

Authorized to deliver to agent certain liquors.

Agent to destroy liquors. *Provido.*

*Resolved*, That upon filing an affidavit of his surrender of all said liquors as provided above, the auditor of the Commonwealth be authorized to allow the said Martin such amount of his bill for charges and expenses in the custody and storage thereof, as may by him be deemed reasonable and just, not exceeding the sum of one hundred dollars.

Affidavit to be filed, &c. Auditor may allow \$100 for expenses

*Approved March 25, 1858.*

## RESOLVE ON THE PETITION OF WILLIAM L. BEMIS.

## Chap. 19.

*Resolved*, That there be allowed to William L. Bemis, of Springfield, the sum of fifty dollars in indemnification for

\$50 to William L. Bemis.

certain expenses incurred by him, while acting as a justice of the peace, under the provisions of chapter three hundred and twenty-two of the acts of the year one thousand eight hundred and fifty-two, entitled "An Act concerning the Manufacture and Sale of Spirituous or Intoxicating Liquors."

*Approved March 26, 1858.*

**Chap. 20.** RESOLVE IN RELATION TO THE STATE INDUSTRIAL SCHOOL FOR GIRLS.

\$400 appropriated to purchase land.

*Resolved,* That the sum of four hundred dollars be, and the same is hereby allowed, to be applied by the trustees of the State Industrial School for Girls, at Lancaster, for the purpose of purchasing a lot of land, containing about six acres, the same to be conveyed to the Commonwealth for the use of said school.

*Approved March 26, 1858.*

**Chap. 21.** RESOLVE IN FAVOR OF ALBERT H. NELSON, LATE CHIEF JUSTICE OF THE SUPERIOR COURT OF THE COUNTY OF SUFFOLK.

\$1,784 to Albert H. Nelson.

*Resolved,* That for reasons set forth in the message of the governor in this behalf, there be allowed out of the treasury of the Commonwealth, to Albert H. Nelson, late chief justice of the superior court of the county of Suffolk, the sum of seventeen hundred and thirty-four dollars, to be disbursed in the discretion of the governor.

*Approved March 26, 1858.*

**Chap. 22.** RESOLVE CONCERNING RAINSFORD ISLAND HOSPITAL.

\$2,436.05 to Rainsford Island Hospital.

*Resolved,* That the sum of two thousand four hundred and thirty-six dollars and five cents be and is hereby allowed to the inspectors of the Rainsford Island Hospital, for the purpose of discharging the debt incurred in building a pier and pier head at said island.

*Approved March 26, 1858.*

**Chap. 23.** RESOLVE ON THE PETITION OF ALFRED FLANDERS.

\$154.73 to Alfred Flanders.

*Resolved,* That there be allowed and paid from the treasury of the Commonwealth, to Alfred Flanders, constable of the town of Salisbury, the sum of one hundred and fifty-four dollars and seventy-three cents, to defray the expenses of defending a suit against himself, as such officer, as stated in his petition.

*Approved March 26, 1858.*

**Chap. 24.** RESOLVE IN FAVOR OF BARNARD C. MARCHANT.

\$69 to Barnard C. Marchant.

*Resolved,* That there be allowed and paid out of the treasury of the Commonwealth, to Barnard C. Marchant, guardian of the Christiantown and Chappequiddic Indians, the sum of sixty-nine dollars, for the board and burial expenses of Margaret Peters, a member of the Chappequiddic

tribe, who died March first, eighteen hundred and fifty-seven.

*Approved March 26, 1858.*

RESOLVE IN RELATION TO PROFESSOR HITCHCOCK'S GEOLOGICAL REPORT.

Chap. 25.

*Resolved*, That one thousand copies of Professor Hitchcock's Geological Report on the Sandstone of the Connecticut Valley, authorized to be printed by chapter eighty-three of the resolves of the year one thousand eight hundred and fifty-seven, be printed at the expense of the Commonwealth, under the direction of the committee on the library; and that, in addition to the distribution already authorized, one hundred copies of said report be given to Professor Hitchcock, three copies to the state library, and twelve copies to the trustees of the state library, to be used for the purpose of international exchanges.

*Approved March 26, 1858.*

1,000 copies to be printed at expense of Commonwealth.

Distribution.

RESOLVES FOR THE APPOINTMENT OF A SPECIAL JOINT COMMITTEE ON PUBLIC CHARITABLE INSTITUTIONS.

Chap. 26.

*Resolved*, That a joint committee, consisting of two members on the part of the senate, and three members of the house of representatives, be appointed to investigate the whole system of the public charitable institutions of the Commonwealth, and to recommend such changes, and such additional provisions, as they may deem necessary for their economical and efficient administration.

How appointed. Duties of.

*Resolved*, That for the purposes above named, the committee shall be authorized to sit in the recess, with full power to examine said institutions and send for persons and papers, if it shall be found necessary so to do; and the said committee shall make a full report thereon to the next legislature.

*Approved March 26, 1858.*

When to sit and report.

RESOLVE IN FAVOR OF THE DUDLEY, TROY AND MARSHPEE INDIANS.

Chap. 27.

*Resolved*, That there be allowed from the appropriation for Indians, contained in chapter eleven of the acts of the present year, as follows: To the guardian of the Dudley Indians, a sum not exceeding five hundred dollars, for the support of said Indians from February first to December thirty-first, in the year eighteen hundred and fifty-eight, and in addition thereto, his salary at the rate of one hundred dollars per annum: to the guardian of the Troy Indians, a sum not exceeding four hundred dollars, for the support of said Indians from January first to December thirty-first, in the year eighteen hundred and fifty-eight, and for his salary during that time the further sum of fifty

\$1,150 appropriated for support of certain tribes of Indians, &c.

dollars: to the treasurer of the Marshpee Indians, a sum not exceeding one hundred dollars, for the support of certain paupers of that tribe.

*Approved March 26, 1858.*

**Chap. 28. RESOLVES IN RELATION TO A SCIENTIFIC SURVEY OF BOSTON HARBOR.**

**Preamble.**

*Whereas*, It is essentially necessary for commercial nations to maintain good and sufficient harbors, for the security of vessels engaged in their foreign and coasting trade, and for the accommodation of their navy; therefore it is of the first importance that every means should be adopted to protect and preserve the harbors on our coast: and *whereas*, the great facilities of the harbor of Boston for these several purposes, render it the imperative duty of the legislature to use every means in its power to perpetuate and preserve the said harbor in its present condition and usefulness; therefore,

Congress requested to direct a survey, &c.

*Resolved*, That the congress of the United States be respectfully requested to direct a scientific survey to be made of the harbor of Boston, by a competent board of engineers, with authority to said board to proceed at once, or as soon as may be, in the execution of that duty, with full powers to receive evidence, and to make all needful inquiries to enable it to present in its report well defined views of the character and condition of the harbor, and the means of preserving and improving the channels of the same, which can be made a reliable basis for all future legislative action, with reference to structures that may, at any time hereafter, be projected about its shores and estuaries.

Transmission of resolves.

*Resolved*, That his excellency the governor be requested to transmit a copy of the foregoing preamble and resolution, to the senators and representatives of Massachusetts in the congress of the United States, with a request to them that they will use all honorable means to procure the legislation therein recommended.

*Approved March 26, 1858.*

**Chap. 29. RESOLVE IN AID OF THE ERECTION OF A FENCE AROUND FORT WASHINGTON.**

\$2,000 appropriated.

*Resolved*, That the sum of two thousand dollars be, and the same is hereby allowed, for the erection of an iron fence around Fort Washington, in the city of Cambridge: *provided*, the city of Cambridge shall appropriate a sum sufficient to complete said fence, at a cost of not less than four thousand dollars, the whole to be expended under the direction of the adjutant-general, in connection with a committee of the city council of the city of Cambridge; and

**Proviso.**

*further provided*, that said Fort Washington shall always be accessible to the public, and that said city of Cambridge shall always keep the fence proposed to be built in good repair; and the governor is hereby authorized to draw his warrant therefor accordingly. *Approved March 26, 1858.*

*Provided, further.*

**RESOLVE GRANTING AID FOR THE SUPPRESSION OF COUNTERFEITING BANK BILLS AND COIN.** *Chap. 30.*

*Resolved*, That a sum not exceeding one thousand five hundred dollars be granted the present year, out of the treasury of the Commonwealth, to the association of banks for the suppression of counterfeiting, in this Commonwealth, for the purpose of the prevention and detection of the crime of making or tendering in payment as true, counterfeit bank bills, or counterfeit gold and silver coins; and that the governor be authorized to draw his warrant accordingly, from time to time, for such sums, not exceeding one thousand five hundred dollars, as shall be equal to one-third of the sum which said association shall certify, and prove to the governor, to have been raised and judiciously expended by said association for the purposes above specified.

*\$1,500 appropriated.*

*Approved March 26, 1858.*

**RESOLVE IN FAVOR OF WILLIAM H. ELA.**

*Chap. 31.*

*Resolved*, That in consequence of the injuries received by William H. Ela from the soldiery and police, in the city of Boston, on the second day of June, in the year eighteen hundred and fifty-four, the sum of thirty-five hundred dollars be granted to said Ela, to be paid over to him, or invested for his use, under the direction of the governor.

*\$3,500 to William H. Ela.*

*Approved March 26, 1858.*

**RESOLVE IN FAVOR OF WILLIAM H. LUCE.**

*Chap. 32.*

*Resolved*, That there be allowed from the treasury of the Commonwealth, to William H. Luce, of Tisbury, for medical services rendered to Prince Johnson, an Indian and state pauper, thirty-one dollars and seventy-five cents.

*\$31.75 to William H. Luce.*

*Approved March 27, 1858.*

**RESOLVE REGARDING RAILROAD FACILITIES FOR FILLING BACK BAY.** *Chap. 33.*

*Resolved*, First, That any parties contracting to fill up any lands and flats of the Commonwealth, and other owners, under the sanction of the commissioners on the Back Bay, are authorized to contract with any railroad corporation, by which steam-power is used, for the use of any portion of its road or location, for the transportation of materials over the

*May contract for use of railroad to transport materials, &c.*



Proviso.

Resolve of 1855  
amended.

same; and any such corporation may contract with said parties for the use of any road that may be by them legally constructed, and for the transaction by them of business thereon, for the purposes of said corporation, so long as the same is being used for the transportation of materials by said parties under their contracts, and no longer: *provided*, that nothing contained in this resolve shall be construed to authorize the doing any thing which affects the legal rights of any of the owners of lands or flats in the Back Bay.

*Resolved*, Secondly, That chapter sixty of the acts and resolves of the year eighteen hundred and fifty-five, being "Resolves in favor of giving additional power to the commissioners on Boston Harbor and Back Bay," be amended by inserting after the word "thereon" and before the word "lay," in the sixth line of the second resolve, the words "or on and over any other portions of the lands and flats in and of said Back Bay." *Approved March 27, 1858.*

#### Chap. 34.

\$152.58 to John  
Rhodes

##### RESOLVE ON THE PETITION OF JOHN RHODES.

*Resolved*, That for services rendered and moneys paid in the prosecution of his petition before this general court against Abraham G. Randall, for official misconduct as a justice of the peace for the county of Worcester, there be allowed and paid from the treasury of the Commonwealth, to John Rhodes, of Millbury, in the county of Worcester, one hundred and fifty-two dollars and fifty-eight cents.

*Approved March 27, 1858.*

#### Chap. 35.

\$225 to Horace I.  
Hodges.

##### RESOLVE IN FAVOR OF HORACE I. HODGES.

*Resolved*, That for reasons set forth in his petition, there be allowed and paid out of the treasury of the Commonwealth, to Horace I. Hodges, of Northampton, judge of the court of insolvency for the county of Hampshire, the sum of two hundred and twenty-five dollars; one hundred and fifty dollars being for his services for attending the court of insolvency in the county of Franklin, from the middle of August, eighteen hundred and fifty-seven, to the date of the passage of this resolve; and seventy-five dollars for his services for attending the court of insolvency in the county of Worcester, after the resignation of Alexander H. Bulloch, judge of that court, to the date of the passage of this resolve; said allowance being in accordance with the provisions of the fifth section of the two hundred and eighty-fourth chapter of the acts of eighteen hundred and fifty-six: and the governor is hereby authorized to draw his warrant accordingly.

*Approved March 27, 1858.*

## RESOLVE IN FAVOR OF THE HASSANAMISCO INDIANS.

## Chap. 36.

*Resolved*, That there be allowed out of the treasury of this Commonwealth, the sum of two hundred dollars, to be disbursed by the judge of probate of the county of Worcester, in such manner as most effectually to meet the present wants and necessities of the surviving members of the Hassanamisco tribe of Indians. \$200 for Hassanamisco Indians.

*Approved March 27, 1858.*

## RESOLVE ON THE PETITION OF HANNAH COTTER.

## Chap. 37.

*Resolved*, That for reasons set forth in said petition, Duncan Bradford, esquire, public administrator for the county of Middlesex, be, and he is hereby authorized to pay over to the mother of the late Cornelius Mannix, deceased, the amount of money that shall remain in his hands as public administrator, the proceeds of the effects and estate of the said deceased, after paying the claims against said estate; said payment to be made in such manner as the judge of probate for said county of Middlesex shall order and decree; and on filing the evidence of such payment in the office of the treasurer of the Commonwealth, the same shall be held to be a compliance with his duty and a discharge of his official bond, in the same manner and to the same extent as the payment of the same sum into the office of the treasurer aforesaid would be. Authorized to pay over funds under direction of judge of probate, &c.

*Approved March 27, 1858.*

## RESOLVE GRANTING TAXES FOR THE SEVERAL COUNTIES.

## Chap. 38.

*Resolved*, That the sums placed against the names of the several counties in the following schedule, be, and hereby are granted as a tax for each county respectively, to be assessed, paid, collected and applied, according to law, namely:

Essex—Eighty thousand dollars:  
 Middlesex—Ninety thousand dollars:  
 Worcester—Eighty-five thousand dollars:  
 Hampshire—Eighteen thousand dollars:  
 Hampden—Twenty-eight thousand dollars:  
 Franklin—Fourteen thousand dollars:  
 Berkshire—Twenty-two thousand dollars:  
 Norfolk—Forty thousand dollars:  
 Bristol—Fifty thousand dollars:  
 Plymouth—Twenty-seven thousand dollars:  
 Barnstable—Ten thousand dollars:  
 Dukes County—Two thousand and seven hundred dollars.

*Approved March 27, 1858.*

**Chap. 39.**

## RESOLVE IN FAVOR OF ALLEN CUMMINGS.

\$94 to Allen  
Cummings.

*Resolved*, That there be allowed out of the treasury of this Commonwealth, to Allen Cummings, the sum of ninety-four dollars, for compensation for his expenses in contesting the seat of Eliel Shumway, of Groton.

*Approved March 27, 1858.*

**Chap. 40.** RESOLVE IN FAVOR OF JOHN M. COLE, LANSING J. COLE AND ALMEDA ELLISON.

\$548 for mileage  
and compensa-  
tion of members.

*Resolved*, That there be allowed to John M. Cole, of Williamstown, the sum of one hundred and thirty dollars, and to Lansing J. Cole, of Cheshire, the sum of one hundred and ten dollars, in full for the mileage and compensation of those gentlemen, for the time during which they held seats as members of the house of representatives from the first and second Berkshire districts; also, that there be allowed to Almeda Ellison, of Duxbury, the sum of three hundred and eight dollars, in full for the mileage and compensation of William Ellison, deceased, late member of the house of representatives from the fifth Plymouth district.

*Approved March 27, 1858.*

**Chap. 41.**

## RESOLVES IN RELATION TO THE NEW PLYMOUTH RECORDS.

Secretary to em-  
ploy one of his  
clerks, &c.

*Resolved*, That the secretary of the Commonwealth be authorized to employ one of his clerks, at a rate of compensation not exceeding one thousand one hundred dollars per annum, to superintend the printing of the volumes of the New Plymouth Records now in the printer's hands, and to proceed with the copying of the other volumes as provided in previous resolves.

Repeal.

*Resolved*, That all resolves or parts of resolves which authorize the employment of editors, assistants or clerks, upon the work of the New Plymouth Records, otherwise than is provided in the preceding resolve, are hereby repealed.

*Approved March 27, 1858.*

**Chap. 42.**

## RESOLVES IN RELATION TO THE ADMISSION OF KANSAS.

Lecompton con-  
stitution.

*Whereas*, The president of the United States has recently transmitted the Lecompton constitution to congress with a message recommending its ratification by that body, and there is reason to fear that it may be so ratified: and

How framed, &c.

*Whereas*, The aforesaid Lecompton constitution was framed by a convention which was the embodiment and consummation of a series of violent, usurping and fraudulent acts, by which the people of Kansas had been despoiled of

# INAUGURAL ADDRESS

OF

HIS EXCELLENCY NATHANIEL P. BANKS.

---

REPRESENTATIVES' CHAMBER, }  
Jan. 7, 1858. }

*At one half-past twelve o'clock, His Excellency the Governor, accompanied by His Honor the Lieutenant-Governor, the members of the Executive Council, and the various officers of the government, attended by a Joint Committee of the two Houses, and the Sheriff of Suffolk, met the Senate and House of Representatives, in Convention, and delivered the following*

## ADDRESS.

### SENATORS AND REPRESENTATIVES :

The constitution of the Commonwealth commands frequent sessions of the legislature, for redress of grievances, correcting, strengthening and confirming the laws, and for making new laws, as the common good may require.

Assembled in obedience to this command, we cannot fail to make humble acknowledgments for the signal mercies with which Divine Providence has blessed our people.

The past year has been one of general health and peace within our borders. It has enriched us with the profits and pleasures of industry, and the varied treasures of earth and sea ; and though unforeseen calamities have for the moment swept from us superfluous wealth, we have acquired wisdom and new strength with which to reconstruct our fortunes.

The ancient system of town representation has disappeared. The character and institutions of the State are inseparably

identified with men who were trained to useful and patriotic service in these town democracies. It will be fortunate if the constituencies which have replaced them shall produce as able and patriotic legislators.

The funded debt of the Commonwealth is \$1,314,000. Provision has been made for \$1,098,000 of this debt, leaving a balance of \$215,000 unprovided for.

The Temporary Loan is now \$306,000. For its payment there is in Western Railroad Stock Fund, \$217,000; State tax of 1856 and 1857, still unpaid, \$236,000, and cash in the treasury, \$44,000, making the sum of \$497,000, and leaving a balance after the payment of the loan, of \$191,000, which can be applied to current expenses whenever it shall be received.

The current expenses of the last year amounted to \$1,362,503. The receipts of the State from all sources were \$1,483,166, of which \$735,041 were raised by a State tax.

The receipts from ordinary resources this year, are estimated at \$702,000. Unless the ordinary expenses of the current year be reduced below the standard of last year, there will be a deficit of \$659,803, to be paid by a State tax equal to that amount.

I make no question that the expenditures of last year were necessary and proper. The continuance, however, of an annual expenditure, for the ordinary business of government, of \$1,362,000 will not, in my judgment, admit of justification or defence. I recommend, therefore, a rigorous retrenchment of expenses—the discontinuance of commissions as far as practicable, and a reduction in the number of public officers, as far as it may be done without detriment to public service. I commend to your consideration the inquiry whether a consolidation of the courts of probate and of insolvency may not be advantageously made, and also whether there may not be made a limitation in the salaries of officers now paid in fees.

The cost of the legislative and executive service may be materially diminished, and the annual sessions of the legislature greatly shortened. It is incredible that the people of this State can require that one-half of the year should be devoted to making new laws for their government. It will not be found, in my judgment, that the diminished numbers of the present legislature will shorten the session. It is not yet settled whether large or small assemblies have a more fatal facility in consumption of time, or appropriations of money. Nor will constitutional or statute limitations of the term remedy this difficulty. The experiment in other States

will show that at the expiration of the term, public business is unfinished, or is hurried through with discreditable and dangerous haste. There are no rules for the exclusion of business that will relieve the session; for public business that is excluded in one form, easily finds admission in another.

I know of no remedy for the evil to which I refer, but patient and persistent attention to the business of the session.

To obtain this result, I recommend that fixed and sufficient salaries be established for members and officers of the legislature, to be paid in lieu of compensation in other forms, and upon condition only of actual and constant attendance upon the sessions. In my judgment, the State will be best served by the payment of liberal salaries to legislative and judicial officers.

The people have a right to call into service their ablest men, who in their turn should have a right to demand, not as high a compensation as trade or professional pursuits would offer, but such at least as will be equal to their proper support while in public service.

The rules of a deliberative assembly should be framed upon the principle that members are in attendance, and not, as is sometimes the case, upon the idea that they are absent. Very little is gained by any attempt to suppress discussion. Every measure should be thoroughly debated at its appropriate stage, and then determined. The frequent repetition of debates and test votes, upon the same subject, invests a result oftentimes with many of the attributes of a chance decision, and detracts from the dignity of deliberation.

A more general responsibility for the expenditure of money, would be obtained by including in proper appropriation bills, specific appropriations for specific objects. Every member who is held responsible for public expenditures should have the right of assent or dissent upon every item of appropriation, as it regards the amount paid, the party to whom paid, and the source from whence drawn. An immediate and general responsibility thus obtained, will give protection to the representative, and security to the public.

Upon such principles of action I think it possible that the session may be brought to a close in sixty days, and all the public business deliberately considered. So far as I have been able to examine the subject in the brief interval that has elapsed between one period of public service and another, I am of opinion that there may be effected, with liberal regard

to the public service, a retrenchment in expenditures of nearly three hundred thousand dollars, as compared with the expenses of last year; and this with a change in the manner of defraying the expenses of one branch of service to which I shall call your attention, will reduce the deficit which appears to exist upon comparing the current receipts with the current expenditures, upon the basis of last year, from the sum of \$640,000 to the sum of \$267,000. And if to this deficit of \$267,000 can be applied the balance of \$191,000 remaining after payment of the temporary loan referred to, it will reduce the amount to \$66,000, to be met and paid by a State tax equal to that sum. Any conclusion of your labors that approaches to such a result will probably be received with public favor.

A chief cause of excessive legislation, which is one of the evils of our times, is the idea that legislative renown is to be obtained only by personal identification with the success of new measures. Nothing can be farther from the truth, and no idea more pernicious in its effects. The highest legislative honors can be won only by patient labor, and it rarely occurs that important reforms originate in other sources of wisdom or power. Unsettled legislation and unsettled governments are among the calamities that befall men.

The Report of the Adjutant-General shows the Militia to be in its usual excellent condition. There are enrolled in active service, in the militia of the Commonwealth 6,349 men. The cost of this branch of service for the past year has been \$70,000. Apart from the necessity of public defence by citizen soldiers in time of war, there are many services rendered to the State by an organized militia, not readily obtained by other agencies. A military company in a town or city furnishes a disciplined body of men, who can be rallied at immediate notice in support of legal authorities, for suppression of disturbances of public peace, and for the protection of property in case of conflagration or other public calamity. The school of the soldier is not unimportant as a means of physical education. Public approval of this service may be manifested, as well by judicious reforms as in liberal encouragement. Ostentatious and costly parades are doubtless too often substituted for the severe duties and discipline of the soldier, and contribute somewhat to the extravagance in which originates much of the prejudice against the system. A slight reduction in the number of troops, held in actual service, would sensibly diminish its expense, and allow the employment of a thor-

oughly competent military instructor, exclusively devoted to the discipline of troops in manual exercise and in field service.

There is some injustice in the apportionment of the public charge for the support of the militia. It is organized for the protection of life, liberty and property. Every person in the Commonwealth participates in all advantages that arise from it, while the burden of its support is thrown upon property alone. Military service is not compulsory, and but a small part of enrolled citizens enter upon active duty. Of 151,114 men enrolled for duty under the statute, less than 7,000 men are in active service.

The physical burdens of the system fall, therefore, upon comparatively few persons, and the charges of the service are defrayed by heavy assessments upon the property of the State, while the great majority of citizens, who are liable to be called into service, contribute but little in either respect, to its maintenance. In several of the States, the charge for the support of the active militia is assessed upon citizens who are enrolled, but relieved from active duty. A very small tax of this character in commutation of actual service, would relieve the property tax of the Commonwealth entirely of this charge. I recommend this subject to your attentive consideration. It may be expedient also to consider how far citizens, not now enrolled, may be made subject, without injustice, to this tax levied in lieu of personal service, and if it should be found that the enrolment could be materially enlarged, some further legislation may be necessary in reference to those from whom other public duty is required, as in the case of firemen, whose service is alike perilous and important.

The constitution declares that a frequent recurrence to its fundamental principles is absolutely necessary to preserve the advantages of liberty and to maintain a free government. I respectfully suggest to the legislature and to the people of the Commonwealth, the inquiry, whether the spirit of this declaration may not be fully maintained without the election, each year, of every officer connected with the legislative and executive branches of the government. The choice of a part each year would afford the same annual appeal to the people, give greater stability to public opinion, and furnish a guarantee for the security of political rights, and a wise management of public property. There are but six States in the Union besides our own, and out of New England, but one, in which the officers of the executive and legislative departments are all chosen annually.



Recent financial disasters will naturally call your attention to the Currency. The banking capital of the Commonwealth is \$60,319,720. The number of banking institutions is one hundred and seventy-three. It appears by the Bank Commissioners' Report for the present year that the aggregate circulation of bank notes, is \$18,104,827, and the aggregate amount of specie, \$3,611,097, which is equivalent to one dollar in specie for every five dollars in paper. However opinion may have been divided, there must now be a general concurrence in the conclusion, that any increase in their number or capital is inexpedient. The financial difficulties which disturb all industrial pursuits, cannot justly be charged to paper circulation alone. Different causes operating through a period of years, have contributed to the result. Extravagant estimates of the wealth and wants of the country have led to enterprises, in which credit has been overstrained, until prostration and paralysis have ensued. It cannot however be doubted that bank credits have contributed to the extension and the revulsion of trade: some charging the result to an expansion, and others to a sudden and unjustifiable contraction of banking accommodations. Both parties are justified in their conclusions. Sudden contractions have precipitated difficulties that originated in undue expansions. It is impossible to separate the expansive from the contracting properties of a paper currency. At the moment when it passes the point which attends and facilitates healthy trade, it is subject to a single and immutable law, expanding when it should contract and contracting when it should expand. As it increases in quantity, its standard depreciates in value. It stimulates an unsafe competition in all industrial pursuits, and by an inflation of prices, deprives the American manufacturer of every advantage to be derived from a tariff incidentally protective, because the foreign manufacturer is enabled to pay our duties, and still sell his goods here at higher prices than in the home market, which are in turn to be paid for in exports of gold and silver.

Debts contracted in an inflated currency must be paid in a period of contraction in one of far higher values. Excessive issues of paper money expel the precious metals from ordinary circulation, and make the redemption of bills, in specie, upon which theory alone they are issued, impracticable, if not impossible.

It is not possible to restrict credit altogether, if it were desirable. The American people have far less business capital, and far greater business capacity than other nations.

The difference between their business capital and their business capacity must be supplied, as far as safety will allow, by intervention of credit ; and thus American industry escapes mere physical drudgery, and seeks enterprises in which intellectual and physical power are advantageously combined. Such reforms as would afford the largest credit compatible with public security would be readily conceded, if it were possible to agree upon measures certain to produce such result. It is by some regarded as sufficient that banks should be required to keep a certain amount of gold and silver proportioned to their circulation, as one dollar in specie to three in paper. Another remedy is the suppression of bills of small denominations.

A currency which should provide specie for ordinary transactions, as in payment of wages, and notes of larger denominations for commercial purposes, supported by a liberal specie basis, and convertible at any moment into specie, would be convenient and safe.

I recommend that you consider the expediency of suppressing the circulation within the State of notes of the denomination of five dollars and less sums. Such legislation would infuse into the circulating medium of the State a larger proportion of gold and silver. It is estimated that the amount in circulation in the United States, in the form of bills of five dollars and less sums, is nearly fifty million dollars. So far as the character of the circulation is returned in the several States, it appears that about nineteen per centum of bank circulation is in bills of less value than five dollars. The same proportion for the aggregate circulation would be about forty million dollars, and bills of the denomination of five dollars added thereto would equal the estimate stated.

The substitution of this amount of gold and silver in small sums for use in ordinary business transactions, instead of paper money to the same extent, would confer a lasting benefit.

Gradually applied, first to bills less than five dollars, and in a period of three or five years, to bills of the denominations of five and ten dollars, the change would not injuriously affect any interest. The supply of coin in the country is abundantly sufficient. It is now not much less than two hundred and seventy million dollars. Instead of serving as a measure of value merely, gold is now a staple product, and in the next decennial period the coin of this country will equal that of England or France.

It will be said that suspensions have occurred in States

where small notes are prohibited. It is undoubtedly true ; but the same facts which support the assertion would show that real estate had no value, because it could command no purchaser.

Those engaged in business, stimulated by action and enterprise, may forget the recent revulsion ; but the people, deprived of employment, and suffering the loss of their small accumulations, will make its history a family tradition, and if the States fail to make judicious reforms, other and sweeping changes will be sought elsewhere.

I do not think considerations of present favor will justify an entire neglect of this subject. The saddest legacy which legislation can leave is that which contributes in any considerable degree to periodical financial revulsions, which strike down alike the independence of industry and the dignity of affluence, and destroy private and public confidence and character.

The Public Schools are represented to be in prosperous condition. The aggregate expenses, exclusive of buildings, for educational purposes, amount to \$1,410,989. All expenses included, about twelve dollars is paid for each pupil. The number of children between five and fifteen years in the State, is 221,478. Of this number 203,031 have been in attendance upon the schools.

The importance of our system of education is shown in the fact that one-fifth of our entire population is of that age, marked by statute, as the proper period for receiving elementary instruction. It is impossible to overstate the demands which it makes upon our attention, and it has contributed as much as any other to the moral and material prosperity of the Commonwealth. Being, in virtue of the office I hold, officially connected with this important interest, I cherish the hope that I shall be able during the current year to give it personal attention.

The beneficent Public Charities are in condition of flattering prosperity. Institutions for instruction of the blind, the deaf and dumb, of idiotic and feeble-minded persons ; asylums for the insane, and industrial schools for boys and girls, are not only for purposes of individual relief, but of security to the public, and of solace to those in full mental and physical vigor. Such interesting and surprising results have been obtained in their treatment, as indicate the possibility of attaining through educational influences a success that approaches almost creative power.

Within a few years a new system for the support of paupers has been adopted. However opinion may have been

divided up to this time, the events of the past year may so far change its results as to lead us still to regard it as an experiment. The expense of supporting the four almshouses for the last year is \$166,000. It is manifest that present accommodations are insufficient for the wants of the future; but I hesitate to advise further investments in this charity until the success of the principle is fully established. And in the mean time I recommend a vigorous and searching examination of the whole system, both upon economic and philanthropic grounds.

The commissioners appointed for the revision of the statutes, have nearly completed their labors, and will be ready to make their report in printed form in July next.

The constitution of the United States confers upon congress the power to invest persons with the attributes of citizenship, but it leaves to each State the right to determine what persons shall become voters. Recent constitutional amendments and legislative opinions repeatedly expressed, which have not yet ripened into statutory or constitutional enactments, indicate that the qualifications of voters is a subject of deep and general interest. There can be no object of higher importance than that of determining upon what conditions the right of suffrage shall be conferred, and what legislative safeguards are necessary to maintain the purity of elections and to protect the rights of American citizens. I shall cheerfully concur with you in such measures as you may judge expedient for this purpose.

The recent sad history of Kansas challenges our attention. The repeal of the Missouri Compromise in 1854, and the creation of territorial governments, opened to settlement a country occupied chiefly by Indians, and in which slavery had been prohibited by southern men as a condition of the admission of Missouri. The repeal was effected under the pretext of establishing the right of self-government, which is now for the first time denied, and the calamities that have occurred since, have resulted from that act of ineffable wrong.

At the first election in Kansas, an invasion was made by armed men, who usurped the legislative power. It is shown by unimpeachable testimony, that of 6,218 votes given in 1855, there were 4,908 given by men not citizens or residents. The governor of the territory denounced the invasion and the fraud, and refused certificates of election. He was removed, and the first act of his successor was to acknowledge the validity of the election and to declare his intention to enforce the laws of the legislature, admitted to be uncon-

stitutional and barbarous. The people thus deprived of their rights, assembled by delegates at Topeka, formed a State constitution, and petitioned for admission into the Union. This action, though irregular, was not without precedent; but neither the government of the United States, nor the parties invading, who had deprived them of their rights, could upon any just ground take advantage of their own wrong, to defeat this first act of the people, upon pretext of irregularity. The constitution failed to obtain the assent of the senate, and the State was not admitted. The violence and crime that have since ravaged the territory under the legislature which denied to the people the right of electing local or county officers, are well known.

During the past year another constitution has been formed at Lecompton. The convention did not represent the people, nor were its delegates elected by them. It has been officially reported to the president by the late governor of the territory, that "the delegates who signed the constitution represented scarcely one-tenth of the people;" that "nearly one-half of the counties of the territory were disfranchised, and, by no fault of theirs, did not and could not give a single vote in the election for delegates." The convention refused to submit to the people the constitution, which recognizes slavery, for an affirmative or negative vote. With an additional pro-slavery clause, adopted by the parties who made the constitution, it is now sent to Congress, and your senators and representatives are called upon to vote upon the admission of the State under that constitution.

It is not now a question of slavery alone, but to that is superadded the question of the right of the people to vote either in election of delegates, or upon the constitution itself. Many citizens have sustained the government in its Kansas policy upon its solemn pledges that the constitution should be submitted to the people. To sustain now, the denial of this right, is to repel in the most decisive manner the doctrine of popular sovereignty.

Nothing but the direct intervention of federal influence can force through congress the Lecompton constitution; and if the government, with the sanction of the people, can force upon Kansas a constitution conceived in fraud and violence, it will be the weightiest blow ever given against free governments.

Violence and fraud, if successful in this instance, will be repeated whenever occasion demands it. It will not be limited to territories or states. No shrine will be held sacred. The senate chamber of the United States has been

already invaded, and this State was for a time bereft of a part of its representative power by an act of fearful wrong, committed upon the most cherished and brilliant of her sons, while in the performance of constitutional duty.

To escape difficulties that surround this subject, the Supreme Court of the United States, upon a question as to the extent of its own jurisdiction, has assumed authority to pass judgment upon the political powers of congress and the people, in regard to the government of territories, and to declare the Compromise Act of 1820 unconstitutional. A power expressly given to congress by the constitution, exercised for seventy years, with approval of every department of the government, and with assent of nearly every American statesman; a power inserted in the constitution, as there is historical reason to believe, because the congress of the confederation had been compelled to exercise a similar power, confessedly without authority, and to which assumption congress under the constitution, by statute, gave validity and effect, is denied to congress and the people, in a case over which, upon the determination of the court itself, it had no jurisdiction whatever.

We are not left in doubt as to the reason of this extraordinary conclusion. It was said by one of the learned judges, that the case involved constitutional principles "about which there had become such a difference of opinion that the peace and harmony of the country required the settlement of them by judicial decision." It is hardly to be expected that a free people can dispose of their great interests without an occasional difference of opinion. It has not been held, however, that such conflicts invested the courts with authority to limit the political powers of congress or of the people. Chief Justice Marshall held otherwise:—"By extending the judicial power to all cases in law and equity," he says, "the constitution had never been understood to confer on that department any political power whatever. To come within this description a question must assume a legal form for forensic litigation and judicial decision. There must be parties to come into court who can be reached by its process and bound by its power; whose rights admit of ultimate decision by a tribunal to which they are bound to submit."

The late decision, pronounced without just authority and confessedly without jurisdiction, would excite less alarm were it not that the same tribunal, which, as interpreted by the president, has declared that slavery exists in Kansas "under the constitution of the United States," may divest

the States, and among others, our own, of cherished prerogatives, and assume the right to determine how far slavery, irrespective of the will of the people, may exist in the States. The preservation of the Union is among the highest of political duties. The vitality of the Union is in the recognition of the rights of the States. The affirmation of their existence may become the surest means of perpetuating the Union itself. There are privileges that are worth a contest. Such, at least, has been the immortal example of immortal men.

*Senators and Representatives :*

I approach the duties of my office with deep solicitude. I rely with confidence upon your wisdom and patriotism, and it will afford to me the highest gratification to be able to concur with you in all measures intended to advance the interests of the Commonwealth.

## CHANGE OF NAMES.

---

SECRETARY'S OFFICE, BOSTON, }  
May, 1858. }

By the 256th chapter of the Acts of 1851, entitled "An Act to provide for the Change of Names of Persons," it is provided that "the judges of probate for the several counties shall annually, in the month of December, make a return to the office of the secretary of the Commonwealth, of all changes of names made under and by virtue of this act, and such returns shall be published in a tabular form, with the statutes of each year." The following returns have been received at this department in accordance with said act.

### SUFFOLK COUNTY.

Charles C. Amory, takes the name of Charles Amory.  
George Barnard, takes the name of George B. Oliver.  
Chester G. Brown, takes the name of Gilbert C. Brown.  
Mary Biggins, takes the name of Martha Ella Teeear.  
Richmond Doyne, takes the name of Charles R. Doane.  
John Dean, takes the name of John Ward Dean.  
Elizabeth Doherty, takes the name of Elizabeth Ulmar.  
Mary M. Donovan, takes the name of Jenny Brown.  
Phebe Ann Eldredge, takes the name of Anna Eldredge.  
William Henry Gray, takes the name of William Wallis  
Jenkins.  
Mary E. Haden, takes the name of Eliza Frances French.  
Manoah Meade Livingston, takes the name of Montgomery  
Meade Livingston.  
James O'Connor, takes the name of James Connor.  
Ernest H. Ruggles, takes the name of George Washington  
Farr.



Mary E. Skelsey, takes the name of Albertina Renocia Gardner.

Mary J. Salisbury, takes the name of Mary Jane Felton.

Mary Sonnenberg, takes the name of Hannah Marilla Belcher.

Charles Sawyer, takes the name of Charles Alfred Sawyer.

Jessie Turner, takes the name of Elizabeth Piercy.

Eva Louisa Thomas, takes the name of Ella Louisa Fullerton.

Ellen Worthen, takes the name of Ellen Turel Jackson.

Henry Augustus Whitney, takes the name of Henry Austin Whitney.

Eliphalet G. Williams, takes the name of Edward Gordon Williams.

Almira E. Watson, takes the name of Elizabeth Watson Cheney.

Howard A. Watson, takes the name of Howard Clifton Watson.

Decreed by Edward G. Loring, Judge of Probate for the County of Suffolk.

#### ESSEX COUNTY.

May 5, 1857. Martha Rafferty, of Salem, widow, takes the name of Martha Rogers; and each of her five children, who are minors, also take the name of Rogers. John Torr, 2d, of South Danvers, takes the name of John Stevens Torr.

June 9. Sarah Jane Frink, of Haverhill, spinster, takes the name of Sarah Jane Bentley.

September 1. William Tarbox, of Lynn, carpenter, takes the name of William Wallingford; his wife and two children also take the name of Wallingford.

December 1. Joseph Henry Chandler, of Andover, takes the name of Joseph Chandler, junior.

Decreed by Nathaniel S. Howe, Judge of Probate for the County of Essex.

#### MIDDLESEX COUNTY.

January 13, 1857. William F. McNeill and wife, of Lowell, adopt Ellar F. Atkinson, a minor, and said Ellar takes the name of Frances A. McNeill. Willard F. Morse

and wife, of Hopkinton, adopt Charles Edwin Morrison, a minor, and said Charles takes the name of Miles Morse. Abner Thurston Linnikin, of Malden, takes the name of Abner Thurston Linnikin Weston; and his wife and son also take the name of Weston.

February 17. Rebecca Kilby Eaton, of Cambridge, takes the name of Rebecca Eaton Parker, and Sarah Ann Eaton of ditto takes the name of Sarah Ann Eaton Parker.

March 3. Francis Gregory and wife, of Waltham, adopt Emma J. Durant, a minor, and said Emma takes the name of Emma Frances Gregory. Joseph Stevens and wife, of Lowell, adopt Lizzie Ann Fay, a minor, and said Lizzie takes the name of Lizzie Ann Stevens.

May 19. Edward Hall and wife, of Concord, adopt Mary Frances Willett, a minor, and said Mary takes the name of Mary Frances Hall.

June 3. Stephen Hine and wife, of Woburn, adopt Catherine Floyd Clifton, a minor, and said Catherine takes the name of Ellen Elizabeth Hine.

June 30. Chauncey C. Leland and wife, of Natick, adopt Zipporah Belcher, a minor, and said Zipporah takes the name of Martha Eugenie Leland.

August 11. Alden S. Francis and wife, of Marlborough, adopt Michael Gorman, a minor, and said Michael takes the name of Charles Francis.

September 1. Michael Kavanagh, of Lowell, takes the name of Edward Kavanagh.

September 8. John Smith and wife, of Cambridge, adopt Mary Jane Moore, a minor, and said Mary takes the name of Mary Jane Smith.

September 22. William P. Homer and wife, of Cambridge, adopt Annie Hall, a minor, and said Annie takes the name of Nellie Homer.

October 13. Stephen Smith and wife, of Somerville, adopt Oliver Clough Moore, a minor, and said Oliver takes the name of Oliver Clough Moore Smith. William G. Flanders and wife, of Lowell, adopt Lizzie Whitten, a minor, and said Lizzie takes the name of Emma Whitten Flanders.

October 27. William E. Robbins and wife, of Holliston, adopt Benjamin Gallighan, a minor, and said Benjamin takes the name of Willie Fletcher Robbins. Stephen J. Phinney and wife, of Melrose, adopt Delia Maria Starrott, a minor, and said Delia takes the name of Emma Maria Phinney. Ellis Ware and wife, of Sherborn, adopt Emma Althea

Daniels, a minor, and said Emma takes the name of Emma Daniels Ware.

November 10. Mary Gallagher, of Waltham, takes the name of Mary E. Walcott.

Decreed by William A. Richardson, Judge of Probate for the County of Middlesex.

#### WORCESTER COUNTY.

January 6, 1857. Joseph Whitney, Jr. and wife, adopt Charles E. Jones, a minor, and said Charles takes the name of Charles E. Whitney.

February 3. Emory Banister and wife adopt Adaline Augusta White, and said Adaline takes the name of Emma Banister.

March 3. Mary Louisa Flint, of Southborough, takes the name of Julia Daniels Flint.

May 20. Lovell A. Lesure and wife, of West Boylston, adopt Herbert Stearns White, and said Herbert takes the name of Herbert Stearns Lesure.

June 2. Martha Rogers, of West Brookfield, takes the name of Martha Bachelor Edwards.

July 7. Jonathan Austin Davis, of Oxford, takes the name of Austin Davis. Timothy Ide Nicholas, of Milford, takes the name of Timothy N. Ide.

August 4. George W. Bliss and wife, adopt a child of Lucretia S. Pond, and said child takes the name of Charles Wallace Bliss. Leander Gale and wife, of Millbury, adopt Frances Ada Havenstock, a minor, and said Frances takes the name of Ada Isabella Gale.

September 29. Henry G. Fairbanks and wife, of Westborough, adopt William B. Chesmore, a minor, and said William takes the name of Herbert Gay Fairbanks.

October 6. Emily Jane Farwell, of Fitchburg, a minor, takes the name of Emily Jane Upton.

Decreed by Thomas Kinnicutt, Judge of Probate for the County of Worcester.

#### HAMPSHIRE COUNTY.

February 3, 1857. William Wilcomb Bennett, of Belchertown, takes the name of William Bell.

April 7. James Field, Jr. and wife, of Northampton,

adopt Joseph P. Walker, a minor, and said Joseph takes the name of Joseph Walker Field.

July 7. Sophronia Smith Cummings, of Ware, takes the name of Sophronia Granger Cummings.

October 6. Edwin Patten, of Williamsburg, adopt Louisa J. Nichols, a minor, and said Louisa takes the name of Louisa J. Patten.

Decreed by Ithamar Conkey, Judge of Probate for the County of Hampshire.

#### HAMPDEN COUNTY.

February 3, 1857. John H. Smith, takes the name of William J. Burt.

November 24. Sarah Bond, takes the name of Emely Clark.

Decreed by Charles R. Ladd, Judge of Probate for the County of Hampden.

#### FRANKLIN COUNTY.

February 10, 1857. Mary E. Warner, of Colrain, takes the name of Mary Elizabeth Churchill.

March 10. Alma Seaver, of Gill, takes the name of Alma Clap. Abby Seaver, of Gill, takes the name of Abby Clap.

October 13. Fanny M. Stimpson, of Northfield, takes the name of Ida Streeter. Caroline Hibbard, of Greenfield, takes the name of Caroline Wunsch.

December 15. Marriam Sophia Belden, of Whately, takes the name of Marriam Sophia Nash.

Decreed by Franklin Ripley, Judge of Probate for the County of Franklin.

#### BERKSHIRE COUNTY.

April 7, 1857. Nancy E. Lane, takes the name of Cynthia E. Davis.

April 29. Lovaine Patridge, takes the name of Leonard Lovaine Ryder.

Decreed by Daniel N. Dewey, Judge of Probate for the County of Berkshire.

## NORFOLK COUNTY.

January 17, 1857. Mary Isabella Phillips, of Dorchester, a minor, takes the name of Mary Isabella Sumner.

May 30. George Luther Clapp, of Sharon, a minor, takes the name of George Fisher Gay.

June 6. Francis Edgar Packard, of Quincy, a minor, takes the name of Frank Edgar Packard.

August 11. Lewis A. Packard, of Quincy, a minor, takes the name of Elisha Packard.

August 15. Sarah Dorr, of Canton, a minor, takes the name of Grace Ada Howard.

Decreed by William S. Leland, Judge of Probate for the County of Norfolk.

## PLYMOUTH COUNTY.

January 12, 1858. Edward Chamberlain and wife, of Abington, adopt Josephine Corbett, of Boston, and said Josephine takes the name of Flora Webster Chamberlain.

May 18. Helen M. Muirhead, of Kingston, takes the name of Helen M. Gray.

July 7. William Henry Cowenskiff, of Rochester, takes the name of William Henry Cowen.

August 4. Henry Alden Humphrey, of Bridgewater, takes the name of Henry Peirce Alden.

August 10. John B. Hatch and wife, of Middleborough, adopt Ann Goodell, of Carver, and said Ann takes the name of Ann Goodell Hatch. William W. Holmes and wife, of Duxbury, adopt Edward Wadsworth and said Edward takes the name of William W. Holmes.

Decreed by Aaron Hobart, Judge of Probate for the County of Plymouth.

## BARNSTABLE COUNTY.

May 14, 1857. Eliza B. Drody, of Barnstable, takes the name of Eliza B. Crowell, and George C. Drody, her minor son, takes the name of George Crowell.

May 19. Mary Allen Knowles, of Yarmouth, takes the name of Mary Rowe Knowles.

June 16. Joseph Cobb and wife, of Barnstable, adopt Mary Green, a minor, and said Mary takes the name of Alice Josephine Cobb.

December 14. Joshua Francis Small, of Provincetown, a minor, takes the name of Daniel Francis Small.

Decreed by George Marston, Judge of Probate for the County of Barnstable.

---

No application for change of names has been made to the Judges of Probate for the Counties of Bristol, Dukes and Nantucket, during the year 1857.

## MEMBERS OF THE THIRTY-FIFTH CONGRESS.

---

### SENATORS.

CHARLES SUMNER, *of Boston.*

HENRY WILSON, *of Natick.*

### REPRESENTATIVES.

District I.—ROBERT B. HALL, *of Plymouth.*

II.—JAMES BUFFINGTON, *of Fall River.*

III.—WILLIAM S. DAMRELL, *of Dedham.*

IV.—LINUS B. COMINS, *of Roxbury.*

V.—ANSON BURLINGAME, *of Cambridge.*

VI.—TIMOTHY DAVIS, *of Gloucester.*

VII.—DANIEL W. GOOCH,\* *of Melrose.*

VIII.—CHAUNCEY L. KNAPP, *of Lowell.*

IX.—ELI THAYER, *of Worcester.*

X.—CALVIN C. CHAFFEE, *of Springfield.*

XI.—HENRY L. DAWES, *of Adams.*

\* Elected in January, 1858, to fill vacancy caused by the resignation of Nathaniel P. Banks, governor elect.

---

---

THE  
CIVIL GOVERNMENT

OF THE

Commonwealth of Massachusetts,

AND OFFICERS IMMEDIATELY CONNECTED THEREWITH,

FOR THE POLITICAL YEAR, 1858.

---

---



**CIVIL GOVERNMENT—1858.**

---

**HIS EXCELLENCY**  
**NATHANIEL P. BANKS,**  
**GOVERNOR.**

---

**HIS HONOR,**  
**ELIPHALET TRASK,**  
**LIEUTENANT-GOVERNOR.**

**COUNCIL.**

<b>CHARLES R. TRAIN,</b>	<b>EDWIN F. JENKS,</b>
<b>LABAN M. WHEATON,</b>	<b>WILLIAM J. EAMES,</b>
<b>WILLIAM H. WOOD,</b>	<b>NEWELL A. THOMPSON,</b>
<b>AUSTIN L. ROGERS,</b>	<b>GEORGE COGSWELL.</b>

---

**OLIVER WARNER,**

*Secretary of the Commonwealth.*

**CHAS. W. LOVETT, 1st Clerk. ALBERT L. FERNALD, 2d Clerk.**

**MOSES TENNEY, JR.,**

*Treasurer and Receiver-General of the Commonwealth.*

**DANIEL H. ROGERS, 1st Clerk. JOHN H. SMITH, 2d Clerk.**

**CHARLES WHITE,**

*Auditor of Accounts.*

**WILLIAM EVELETH, Clerk.**

**SAMUEL O. UPHAM,**

*Messenger to the Governor and Council.*

# GENERAL COURT,

ARRANGED IN ACCORDANCE WITH THE DISTRICT SYSTEM OF 1857, WITH THE  
NAMES AND RESIDENCES OF MEMBERS.

## SENATE.

*President*—CHARLES W. UPHAM.

District.	Name of Senator.	Residence.
First Suffolk, . . .	Edward F. Porter, . . .	Boston.
Second " . . .	Oliver Frost, . . . . .	"
Third " . . .	Samuel Hooper, . . . . .	"
Fourth " . . .	Charles A. Phelps, . . .	"
Fifth " . . .	Francis J. Parker, . . .	"
First Essex, . . .	William Fabens, . . . . .	Marblehead.
Second " . . .	Charles W. Upham, . . .	Salem.
Third " . . .	Joseph F. Ingalls, . . . .	Methuen.
Fourth " . . .	Eben F. Stone, . . . . .	Newburyport.
Fifth " . . .	John Prince, . . . . .	Essex.
First Middlesex, . .	Timothy T. Sawyer, . . .	Charlestown.
Second " . . .	Gideon Haynes, . . . . .	Waltham.
Third " . . .	Constantine C. Esty, . . .	Framingham.
Fourth " . . .	Samuel Adams,* . . . . .	Townsend.
Fifth " . . .	James M. Usher, . . . . .	Medford.
Sixth " . . .	Arthur P. Bonney, . . . .	Lowell.

\*Deceased.

## SENATE.

District.	Name of Senator.	Residence.
Central Worcester, .	John M. Earle, . . . .	Worcester.
South-East “ .	John G. Metcalf, . . . .	Mendon.
South-West “ .	Oliver C. Felton, . . . .	Brookfield.
West “ .	Charles Field, . . . .	Athol.
North-East “ .	Goldsmith F. Bailey, . . .	Fitchburg.
East “ .	Lucius S. Allen, . . . .	Shrewsbury.
Hampshire, . . . .	Horatio G. Knight, . . . .	Easthampton.
Franklin, . . . .	Hugh W. Greene, . . . .	Northfield.
Hampshire & Franklin,	James W. Boyden, . . . .	Amherst.
West Hampden, . .	Aaron Bagg, . . . .	West Springfield.
East “ . .	George Walker, . . . .	Springfield.
North Berkshire, . .	Zenas M. Crane, . . . .	Dalton.
South “ . .	John Branning, . . . .	Lee.
North Norfolk, . .	John N. Turner, . . . .	Brookline.
East “ . .	Abner Holbrook, . . . .	Weymouth.
West “ . .	John M. Merrick, . . . .	Walpole.
North Bristol, . . .	Chester I. Reed, . . . .	Taunton.
South “ . . .	Joseph W. Cornell, . . . .	New Bedford.
West “ . . .	Albert Bliss, . . . .	Pawtucket.
North Plymouth, . .	Elijah Jenkins, . . . .	Scituate.
South “ . .	Matthias Ellis, . . . .	Carver.
Middle “ . .	William T. Davis, . . . .	Plymouth.
Cape, . . . . .	Charles F. Swift, . . . .	Yarmouth.
Island, . . . . .	John Morissey, . . . .	Nantucket.

STEPHEN N. GIFFORD, *Clerk.*  
 ARTHUR B. FULLER, *Chaplain.*  
 BENJAMIN STEVENS, *Sergeant-at-Arms.*

WILLIAM M. WISE, *Door-keeper.*  
 JOHN A. SARGENT, *Assistant Door-keeper.*  
 GEORGE G. BROWN, *Page.*  
 WILLIAM R. WISE, *Page.*

# HOUSE OF REPRESENTATIVES.

*Speaker*—JULIUS ROCKWELL.

## COUNTY OF SUFFOLK.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	Ward 1, Boston, .	{ William Deblois, . . George W. Parmenter,	Boston. “
2d,	Ward 2, Boston, .	{ Cyrus Washburn, . . Amos A. Dannels, . . Bradbury G. Prescott,	Boston. “ “
3d,	Ward 3, Boston, .	{ Peter Higgins, . . . Asa D. Pattee, . . .	Boston. “
4th,	Ward 4, Boston, .	{ William B. Spooner, . Charles Hale, . . .	Boston. “
5th,	Ward 5, Boston, .	{ Edward Sands, . . . Abraham G. Wyman,	Boston. “
6th,	Ward 6, Boston, .	{ George P. Clapp, . . John A. Andrew, . .	Boston. “
7th,	Ward 7, Boston, .	{ Samuel Hatch, . . . Patrick Riley, . . .	Boston. “
8th,	Ward 8, Boston, .	{ George F. Williams, . Otis Rich, . . . .	Boston. “
9th,	Ward 9, Boston, .	{ Franklin H. Sprague, William Beck, . . .	Boston. “
10th,	Ward 10, Boston, .	{ Solomon J. Gordon, . William Makepeace, .	Boston. “
11th,	Ward 11, Boston, .	{ John Farrington, . . Joseph F. Paul, . . .	Boston. “
12th,	Ward 12, Boston, .	{ Benjamin Lewis, . . . Thomas Leavitt, . . . Edward Young, . . .	Boston. “ “

## HOUSE OF REPRESENTATIVES.

## COUNTY OF SUFFOLK—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
13th,	{ Chelsea, . . . . } { North Chelsea, . . . . } { Winthrop, . . . . }	John Bent, . . . . Mellen Chamberlain,	Chelsea. “

## COUNTY OF ESSEX.

1st,	{ Amesbury, . . . . } { Salisbury, . . . . } { Newburyport, . . . . }	Robert W. Patten, . Benjamin Evans, . .	Amesbury. Salisbury.
2d,	Andover, . . . .	Marcus Morton, Jr., .	Andover.
3d,	{ Beverly, . . . . } { Wenham, . . . . } { Topsfield . . . . }	Robert S. Rantoul, . Francis M. Dodge, .	Beverly. Wenham.
4th,	Danvers, . . . .	Francis P. Putnam, .	Danvers.
5th,	{ Essex, . . . . } { Manchester, . . . . }	Charles Howes, . .	Essex.
6th,	{ Georgetown, . . . . } { Groveland, . . . . }	Mark F. Edmonds, .	Georgetown.
7th,	Gloucester, . . . . {	Edward H. Pearce, . Fitz J. Babson, . .	Gloucester. “
8th,	Haverhill, . . . . {	James H. Duncan, . Nathan S. Kimball, .	Haverhill. “
9th,	{ Ipswich, . . . . } { Hamilton, . . . . }	Joseph Ross, . . .	Ipswich.
10th,	{ Wards 3 and 4, Law- } { rence, . . . . }	William Hardy, . .	Lawrence.
11th,	{ Wards 1, 2, and 6, } { Lawrence, . . . . }	John C. Hoadley, . .	Lawrence.
12th,	Wards 2 and 5, Lynn,	John Lovejoy, . . .	Lynn.
13th,	{ Wards 1, 6, and 7, } { Lynn, . . . . }	Joseph W. Abbott, .	Lynn.
14th,	{ Marblehead & Ward } { 5, Salem, . . . . }	Thomas D. Hamson, .	Marblehead.

# HOUSE OF REPRESENTATIVES.

207

## COUNTY OF ESSEX—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
15th,	{ Methuen and Ward 5, Lawrence, . . }	George W. Butters, .	Methuen.
16th,	{ Nahant and Ward 4, Lynn, . . . . }	George H. Chase, .	Lynn.
17th,	{ Newbury, . . . . West Newbury, . . Rowley, . . . . }	Benj. Edwards, Jr., .	West Newbury.
18th,	{ Wards 1 and 2, New- buryport, . . . }	Caleb Cushing, . .	Newburyport.
19th,	{ Wards 3, 4 & 5, New- buryport, . . . }	Richard S. Spofford, Jr.	Newburyport.
20th,	{ Bradford, . . . . North Andover, . . Boxford, . . . . }	Enoch Wood, . . .	Boxford.
21st,	Rockport, . . . .	William W. Marshall,	Rockport.
22d,	Wards 1 & 3, Salem,	George Andrews, . .	Salem.
23d,	{ Wards 2, 4 and 6, { Salem, . . . . }	Stephen A. Chase, . William C. Prescott, .	Salem. “
24th,	{ Saugus, . . . . Lynnfield, . . . . Middleton, . . . . }	Jonathan Newhall, .	Saugus.
25th,	South Danvers, . .	Richard Smith, . .	South Danvers.
26th,	{ Swampscott, & Ward 3, Lynn, . . . . }	Thomas S. Bates, . .	Lynn.

## COUNTY OF MIDDLESEX.

1st,	Ward 1, Charlestown,	Edward Lawrence, .	Charlestown.
2d,	{ Wards 2 & 3, Charles- town, . . . . }	Paul Willard, . . . Joseph Caldwell, . . Lyman Pray, . . .	Charlestown. “ “
3d,	Somerville, . . . .	Rollin W. Keyes, . .	Somerville.
4th,	Malden, . . . .	Phineas Sprague, . .	Malden.

## HOUSE OF REPRESENTATIVES.

## COUNTY OF MIDDLESEX—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
5th,	Medford, . . . .	Oliver Holman, . .	Medford.
6th,	{ West Cambridge, . . } { Winchester, . . . . }	Moses Proctor, . . .	W. Cambridge.
7th,	Cambridge, . . . . {	Nathan K. Noble, . . William Page, . . . . William A. Saunders,	Cambridge. " "
8th,	{ Newton, . . . . . } { Brighton, . . . . }	Edward J. Collins, . Sedgwick L. Plumer,	Newton. Brighton.
9th,	{ Watertown, . . . . } { Waltham, . . . . . }	Thomas L. French, . James G. Moore, . .	Watertown. Waltham.
10th,	{ Concord, . . . . . } { Lincoln, . . . . . } { Weston, . . . . . }	George M. Brooks, .	Concord.
11th,	Natick, . . . . .	Franklin Hanchett, .	Natick.
12th,	{ Holliston, . . . . . } { Sherborn, . . . . }	Lauren Leland, . .	Holliston.
13th,	{ Ashland, . . . . . } { Hopkinton, . . . . }	Albert Wood, . . .	Hopkinton.
14th,	Framingham, . . .	Josiah H. Temple, .	Framingham.
15th,	Marlborough, . . .	Leander E. Wakefield,	Marlborough.
16th,	{ Stow, . . . . . } { Sudbury, . . . . . } { Wayland, . . . . . }	Benj. H. Richardson,	Sudbury.
17th,	{ Acton, . . . . . } { Boxborough, . . . . } { Littleton, . . . . . } { Carlisle, . . . . . }	Daniel Wetherbee, .	Acton.
18th,	{ Burlington, . . . . } { Bedford, . . . . . } { Lexington, . . . . }	Charles K. Tucker, .	Lexington.
19th,	Woburn, . . . . .	Charles S. Converse,	Woburn.
20th,	{ South Reading, . . } { Melrose, . . . . . } { Stoneham, . . . . }	J. Sullivan Eaton, . Walter Littlefield, Jr.,	South Reading. Melrose.

# HOUSE OF REPRESENTATIVES.

209

## COUNTY OF MIDDLESEX—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
21st,	{ Reading, . . . } { North Reading, . . }	Samuel P. Breed, . .	Reading.
22d,	{ Wilmington, . . . } { Tewksbury, . . . } { Billerica, . . . }	Dana Holden, . . .	Billerica.
23d,	{ Wards 1, 2 and 5, { { Lowell, . . . }	William G. Wise, . . Sullivan Tay, . . . Horatio G. F. Corliss,	Lowell. " "
24th,	{ Wards 3, 4 and 6, { { Lowell, . . . }	Stephen K. Fielding, John C. Jepson, . . George Stevens, . .	Lowell. " "
25th,	{ Chelmsford, . . . } { Dracut, . . . } { Tyngsborough, . . }	Henry Richardson, .	Dracut.
26th,	{ Shirley, . . . } { Groton, . . . } { Dunstable, . . . } { Westford, . . . } { Pepperell, . . . }	Robert P. Woods, . Eliel Shumway, . .	Groton. "
27th,	{ Townsend, . . . } { Ashby, . . . }	Cyrus A. Davis, . .	Ashby.

## COUNTY OF WORCESTER.

1st,	{ Ashburnham, . . . } { Winchendon, . . . }	Jacob B. Harris, . .	Winchendon.
2d,	{ Athol, . . . } { Royalston, . . . }	Isaac Stevens, . . .	Athol.
3d,	{ Dana, . . . } { Petersham, . . . } { Phillipston, . . . }	John G. Mudge, . .	Petersham.
4th,	{ Templeton, . . . } { Hubbardston, . . . }	Gerard Bushnell, . .	Templeton.
5th,	{ Gardner, . . . } { Westminster, . . . }	Thomas E. Glazier, .	Gardner.



## HOUSE OF REPRESENTATIVES.

## COUNTY OF WORCESTER—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
6th,	{ Fitchburg, . . . . } { Leominster, . . . . } { Sterling, . . . . } { Lunenburg, . . . . }	Amasa Norcross, . . James Bennett, . . Samuel Osgood, . .	Fitchburg. Leominster. Sterling.
7th,	{ Harvard, . . . . } { Bolton, . . . . } { Berlin, . . . . }	John E. Fry, . . .	Bolton.
8th,	{ Clinton, . . . . } { Lancaster, . . . . }	Horace Faulkner, .	Clinton.
9th,	{ Princeton, . . . . } { Rutland, . . . . } { Oakham, . . . . }	James Allen, . . .	Oakham.
10th,	{ Barre, . . . . } { Hardwick, . . . . }	Charles Brimblecom, .	Barre.
11th,	{ Warren, . . . . } { West Brookfield, . . } { New Braintree, . . }	Samuel E. Blair, . .	Warren.
12th,	{ North Brookfield, . }	Amasa Walker, . .	N. Brookfield.
13th,	{ Leicester, . . . . } { Spencer, . . . . }	Joseph A. Denny, .	Leicester.
14th,	{ West Boylston, . . }	James E. Cheney, .	Holden.
15th,	{ Shrewsbury, . . . . } { Northborough, . . . }	Milo Hildreth, . . .	Northborough.
16th,	{ Westborough, . . . }	Otis Newton, . . .	Westborough.
17th,	Grafton, . . . .	Rufus E. Warren, .	Grafton.
18th,	{ Northbridge, . . . }	Henry D. Johnson, .	Upton.
19th,	Milford, . . . .	John S. Scammell, . Andrew J. Sumner, .	Milford. “

## HOUSE OF REPRESENTATIVES.

211

## COUNTY OF WORCESTER—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
20th,	{ Uxbridge, . . . . } { Mendon, . . . . }	Samuel W. Scott, .	Uxbridge.
21st,	Blackstone, . . . .	Samuel Thayer, Jr., .	Blackstone.
22d,	{ Webster, . . . . } { Douglas, . . . . }	Lyman Sheldon, . .	Webster.
23d,	{ Southbridge, . . . . } { Dudley, . . . . }	John O. McKinstry, .	Southbridge.
24th,	{ Charlton, . . . . } { Sturbridge, . . . . }	Aaron H. Marble, .	Charlton.
25th,	{ Oxford, . . . . } { Sutton, . . . . } { Millbury, . . . . }	Hosea Crane, . . . Simon J. Woodbury,	Millbury. Sutton.
26th,	{ Auburn, and Ward } { 6, Worcester, . . }	Albert L. Benchley, .	Worcester.
27th,	{ Wards 1 and 2, Wor- } { cester, . . . . }	Alexander Thayer, .	Worcester.
28th,	{ Wards 3 and 8, Wor- } { cester, . . . . }	Dexter F. Parker, .	Worcester.
29th,	{ Wards 4 and 5, Wor- } { cester, . . . . }	James S. Woodworth,	Worcester.
30th,	Ward 7, Worcester, .	O. H. Tillotson, . .	Worcester.

## COUNTY OF HAMPSHIRE.

1st,	{ Easthampton, . . . . } { Hatfield, . . . . } { Northampton, . . . . } { Southampton, . . . . }	William F. Arnold, . Orrin R. Moore, . .	Northampton. Southampton.
2d,	{ Chesterfield, . . . . } { Huntington, . . . . } { Westhampton, . . . . } { Williamsburg, . . . . }	Joel Cook, . . . .	Westhampton.
3d,	{ Cummington, . . . . } { Goshen, . . . . } { Middlefield, . . . . } { Plainfield, . . . . } { Worthington, . . . . }	William H. Bates, .	Worthington.

## HOUSE OF REPRESENTATIVES.

## COUNTY OF HAMPSHIRE—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
4th,	{ Hadley, . . . . . } { South Hadley, . . }	Leicester W. Porter,	Hadley.
5th,	{ Amherst, . . . . . } { Granby, . . . . . } { Pelham, . . . . . }	George Warner, . .	Amherst.
6th,	{ Belchertown, . . . } { Enfield, . . . . . } { Greenwich, . . . . } { Prescott, . . . . . } { Ware, . . . . . }	Benjamin Davis, Jr., Rufus D. Woods, . .	Ware. Enfield.

## COUNTY OF HAMPDEN.

1st,	{ Brimfield, . . . . . } { Monson, . . . . . } { Holland, . . . . . } { Wales, . . . . . }	John W. Foster, . .	Monson.
2d,	Palmer, . . . . .	Solomon A. Fay, . .	Palmer.
3d,	{ Wilbraham, . . . . } { Longmeadow, . . . }	Roderick Burt, . .	Wilbraham.
4th,	{ Wards 1 & 2, Spring- } { field, . . . . . }	Marvin Chapin, . .	Springfield.
5th,	{ Wards 3 & 4, Spring- } { field, . . . . . }	Henry Vose, . . .	Springfield.
6th,	{ Wards 5, 6, 7 and 8, } { Springfield, . . . . }	Hiram Q. Sanderson,	Springfield.
7th,	{ Chicopee, . . . . . } { Ludlow, . . . . . }	George H. Chapman, James Renney, . .	Chicopee. “
8th,	{ Holyoke, . . . . . } { West Springfield, . }	Elbridge G. Pierce, .	Holyoke.
9th,	{ Agawam, . . . . . } { Southwick, . . . . . } { Granville, . . . . . }	Andrew J. Marvin, .	Southwick.
10th,	Westfield, . . . . .	George Green, . .	Westfield.

# HOUSE OF REPRESENTATIVES.

213

## COUNTY OF HAMPDEN—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
11th,	<div> <div> <div>Chester, . . . . .</div> <div>Blandford, . . . . .</div> <div>Tolland, . . . . .</div> <div>Montgomery, . . . . .</div> <div>Russell, . . . . .</div> </div> </div>	Charles W. Knox, .	Chester.

## COUNTY OF FRANKLIN.

1st,	<div> <div> <div>Bernardston, . . . . .</div> <div>Colrain, . . . . .</div> <div>Greenfield, . . . . .</div> <div>Gill, . . . . .</div> <div>Leyden, . . . . .</div> <div>Shelburne, . . . . .</div> </div> </div>	<div> <div>Pliny Fisk, . . . . .</div> <div>George D. Wells, . . . . .</div> </div>	<div> <div>Bernardston.</div> <div>Greenfield.</div> </div>
2d,	<div> <div> <div>Buckland, . . . . .</div> <div>Charlemont, . . . . .</div> <div>Heath, . . . . .</div> <div>Monroe, . . . . .</div> <div>Rowe, . . . . .</div> </div> </div>	William T. Clement, .	Buckland.
3d,	<div> <div> <div>Ashfield, . . . . .</div> <div>Conway, . . . . .</div> <div>Hawley, . . . . .</div> </div> </div>	William C. Campbell,	Conway.
4th,	<div> <div> <div>Deerfield, . . . . .</div> <div>Whately, . . . . .</div> </div> </div>	Horatio Hawks, . . .	Deerfield.
5th,	<div> <div> <div>Leverett, . . . . .</div> <div>Shutesbury, . . . . .</div> <div>Sunderland, . . . . .</div> <div>Wendell, . . . . .</div> </div> </div>	Alden C. Field, . . .	Leverett.
6th,	<div> <div> <div>Erving, . . . . .</div> <div>Montague, . . . . .</div> <div>Northfield, . . . . .</div> </div> </div>	Solomon C. Wells, .	Montague.
7th,	<div> <div> <div>New Salem, . . . . .</div> <div>Orange, . . . . .</div> <div>Warwick, . . . . .</div> </div> </div>	Davis Goddard, . . .	Orange.

## HOUSE OF REPRESENTATIVES.

## COUNTY OF BERKSHIRE.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	{ Hancock, . . . . . Lanesborough, . . . . . New Ashford, . . . . . Williamstown, . . . . . }	Calvin R. Taft,* . .	Williamstown.
2d,	{ Adams, . . . . . Cheshire, . . . . . Clarksburg, . . . . . Florida, . . . . . Savoy, . . . . . }	Russell C. Brown, . Sylvander Johnson,†.	Cheshire. Adams.
3d,	{ Pittsfield, . . . . . Dalton, . . . . . Richmond, . . . . . }	Julius Rockwell, . . Edward Larned,‡. .	Pittsfield. “
4th,	{ Becket, . . . . . Hinsdale, . . . . . Peru, . . . . . Washington, . . . . . Windsor, . . . . . }	John Smith, . . . .	Becket.
5th,	{ Lenox, . . . . . Stockbridge, . . . . . West Stockbridge, . . }	George W. Kniffin, .	W.Stockbridge.
6th,	{ Lee, . . . . . Tyringham, . . . . }	Jonathan F. Cook, .	Lee.
7th,	{ Great Barrington, . . Alford, . . . . . Monterey, . . . . . }	William Dewey, . .	Gt. Barrington.
8th,	{ New Marlborough, . . Sandisfield, . . . . . Otis, . . . . . }	James Hyde, . . . .	N. Marlboro'.
9th,	{ Sheffield, . . . . . Mount Washington, . . Egremont, . . . . . }	Chester Goodale, . .	Egremont.

\* Contested and obtained seat of JOHN M. COLE—member certified.

† Contested and obtained seat of LANSING J. COLE—member certified.

‡ No attendance—did not qualify.

# HOUSE OF REPRESENTATIVES.

215

## COUNTY OF NORFOLK.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	Dedham, . . . .	Ezra W. Taft, . . .	Dedham.
2d,	West Roxbury, . .	Abijah W. Draper, .	West Roxbury.
3d,	Brookline, . . . .	Thomas Parsons, . .	Brookline.
4th,	Roxbury, . . . . {	Samuel Walker, . .	Roxbury.
		Henry Willis, . . .	"
		James Guild, . . .	"
5th,	Dorchester, . . . {	Edward H. R. Ruggles,	Dorchester.
		George M. Browne, .	"
6th,	Quincy, . . . . .	Franklin Curtis, . .	Quincy.
7th,	Braintree, . . . .	Horace Abercrombie,	Braintree.
8th,	Weymouth, . . . {	Nathaniel Shaw, . .	Weymouth.
		Lot W. Bicknell, . .	"
9th,	Randolph, . . . .	Jonathan Wales, . .	Randolph.
10th,	Stoughton, . . . .	Cyrus S. Mann, . . .	Stoughton.
11th,	{ Canton, . . . . .	Jos. McKean Churchill,	Milton.
	{ Milton, . . . . .		
	{ Walpole, . . . . .		
	{ Sharon, . . . . .		
12th,	{ Foxborough, . . . }	Daniels Carpenter, .	Foxborough.
	{ Wrentham, . . . }	William B. Boyd, . .	Medway.
	{ Medway, . . . . .		
13th,	{ Franklin, . . . . }	Steph. W. Richardson,	Franklin.
	{ Bellingham, . . . }		
14th,	{ Needham, . . . . }	Lauren Kingsbury, .	Needham.
	{ Medfield, . . . . }		
	{ Dover, . . . . .		

## COUNTY OF BRISTOL.

1st,	{ Pawtucket, . . . .	William W. Blodgett,	Pawtucket.
	{ Attleborough, . . .	Horatio N. Richardson,	Attleborough.
2d,	{ Mansfield, . . . . }	John Crane, . . . .	Norton.
	{ Norton, . . . . .		

## HOUSE OF REPRESENTATIVES.

## COUNTY OF BRISTOL—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
3d,	{ Easton, . . . . } { Raynham, . . . . }	Horace D. Howard, .	Easton.
4th,	Taunton, . . . . {	Charles Foster, . . . Harrison Tweed, . . . Marcus Morton, . . .	Taunton. " "
5th,	{ Rehoboth, . . . . } { Seekonk, . . . . }	Joel Marble, . . .	Seekonk.
6th,	{ Dighton, . . . . } { Somerset, . . . . } { Swanzey, . . . . }	Jervis Shove, . . .	Dighton.
7th,	Fall River, . . . . {	Josiah C. Blaisdell, . Jonathan E. Morrill, .	Fall River. "
8th,	Westport, . . . .	Ezra P. Brownell, .	Westport.
9th,	Dartmouth, . . . .	Nathaniel Potter, Jr.,	Dartmouth.
10th,	{ Wards 1 and 2, New } { Bedford, . . . . }	William H. Allen, . Hattil Kelley, . . .	New Bedford. "
11th,	{ Wards 3, 4, 5 and 6, } { New Bedford, . . }	Robert C. Pitman, . Samuel Watson, . . . Thomas H. Soule, . .	New Bedford. " "
12th,	{ Berkley, . . . . } { Freetown, . . . . } { Fairhaven, . . . . }	Martin L. Eldridge, . Thomas G. Nichols, .	Fairhaven. Freetown.

## COUNTY OF PLYMOUTH.

1st,	{ Hull, . . . . } { Cohasset, . . . . } { Scituate, . . . . }	George M. Allen, . .	Scituate.
2d,	Hingham, . . . .	Elpalet L. Cushing, .	Hingham.
3d,	{ South Scituate, . . } { Hanover, . . . . }	Lemuel C. Waterman,	South Scituate.
4th,	{ Marshfield, . . . . } { Pembroke, . . . . }	Henry Blanchard, .	Marshfield.

# HOUSE OF REPRESENTATIVES.

217

## COUNTY OF PLYMOUTH—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
5th,	{ Duxbury, . . . . } { Kingston, . . . . }	William Ellison,* . .	Duxbury.
6th,	{ Plymouth, . . . . } { Carver, . . . . }	Rufus C. Freeman, . John B. Collingwood,	Plymouth. “
7th,	{ Wareham, . . . . } { Marion, . . . . }	John M. Kinney, . .	Wareham.
8th,	{ Mattapoisett, . . . . } { Rochester, . . . . } { Lakeville, . . . . }	Jonathan H. Holmes,	Mattapoisett.
9th,	Middleborough, . .	Foster Tinkham, . .	Middleborough.
10th,	{ Bridgewater, . . . . } { West Bridgewater, . }	Elbridge Keith, . .	Bridgewater.
11th,	{ East Bridgewater, . } { North Bridgewater, . }	Paul Couch, . . . . Benjamin W. Harris,	N. Bridgewater. E. “
12th,	Abington, . . . . {	William L. Reed, . . Daniel U. Johnson, .	Abington. “
13th,	{ Hanson, . . . . . } { Halifax, . . . . . } { Plympton, . . . . }	Edwin Inglee, . . .	Halifax.

## COUNTY OF BARNSTABLE.

1st,	{ Barnstable, . . . . } { Sandwich, . . . . } { Falmouth, . . . . }	Paul Wing, . . . . John A. Baxter, . . Zenas D. Basset, . .	Sandwich. Barnstable. “
2d,	{ Yarmouth, . . . . } { Dennis, . . . . . } { Harwich, . . . . . } { Chatham, . . . . }	Luther Studley, . . John W. Atwood, . . Thomas Dodge, . . .	Dennis. Chatham. “
3d,	{ Brewster, . . . . . } { Orleans, . . . . . } { Eastham, . . . . }	Ira Mayo, . . . . .	Orleans.
4th,	{ Wellfleet, . . . . } { Truro, . . . . . } { Provincetown, . . }	Nathaniel E. Atwood, Thomas H. Lewis, . .	Provincetown. Wellfleet.

\* Deceased, and WILLIAM BRADFORD chosen to fill vacancy.



## HOUSE OF REPRESENTATIVES.

## COUNTY OF DUKES.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	{ Edgartown, . . . . } { Tisbury . . . . } { Chilmark, . . . . }	Charles B. Allen, . .	Tisbury.

## COUNTY OF NANTUCKET.

1st,	Nantucket, . . . . {	Joseph Mitchell, . . . Charles Wood,* . . .	Nantucket.
------	----------------------	--	------------

\* Resigned, and PELEG RAY chosen to fill vacancy.

WILLIAM STOWE, *Clerk.*

REV. WARREN BURTON, *Chaplain.*

BENJAMIN STEVENS, *Sergeant-at-Arms.*

ALEXIS POOLE, *Door-keeper.*

HENRY OAKS, *Messenger.*

GUSTAVUS E. HAYNES, *Assistant-Messenger.*

WILLIAM SATWARD, *Postmaster.*

Joseph P. Dexter, Jr., *Page.*

Amasa H. Tolman, *Page.*

# Commonwealth of Massachusetts.

---

SECRETARY'S OFFICE, BOSTON, }  
May 15, 1858. }

I hereby certify that the printed Acts, Resolves, &c.,  
contained in this volume, are true copies of the originals.

OLIVER WARNER,  
*Secretary of the Commonwealth.*



# INDEX.

## A.

Address of the Governor, . . . . .	Page 173
Adjutant-General, Salary of, to define, . . . . .	127
Administration of the Criminal Law, to better provide for, . . . . .	101
"    of the Finances of the Commonwealth, to establish a better system for, . . . . .	3
Administrators, Special, relating to, . . . . .	89
Admission of Kansas, Resolves in relation to, . . . . .	168
Aged Indigent Females, Association for the relief of, in addition to Act incorporating, . . . . .	41
Agents of Foreign Insurance Companies, Delinquent, relating to, . . . . .	142
"    "    "    "    relating to Returns by, . . . . .	37
"    Town, Purchase and Sale of Liquors for, concerning, . . . . .	145
Agriculture, State Board of, Resolve in favor, . . . . .	158
Alien Passengers, Superintendent of, defining his Salary, . . . . .	96
Alimony, in relation to, . . . . .	36
Alms-houses, State, Inmates to receive the ministrations of Clergymen of their own religious faith, . . . . .	161
"    "    Superintendents may contract for employment of inmates, . . . . .	142
American Insurance Company, to extend charter of, . . . . .	8
Amherst and Belchertown Railroad Company, concerning, . . . . .	66
Amusements, Public, in addition to Act concerning, . . . . .	125
Annual Reports of Railroad Corporations, relating to the distribution of, Appendix, . . . . .	7 172
Appropriation for the Emergency Fund, . . . . .	19
Appropriations, Final, for the Hospital for Insane at Northampton, . . . . .	104
"    for the Maintenance of Government during the year 1858, . . . . .	8
"    for the Maintenance of Government during the year 1858, Supplementary Act, . . . . .	147
"    to meet certain Expenditures authorized the present year, . . . . .	108
"    to pay certain Expenses incurred in previous years, . . . . .	95

Appropriations to pay certain Expenses of the year 1857, . . . . .	Page 20
“ “ “ “ “ “ Additional Act, . . . . .	31
“ relating to certain Funds belonging to the Common-wealth, and disbursement of Income thereof, . . . . .	72
Arrangement and Consolidation of the Statutes, Resolve in relation to, . . . . .	170
Assessment and Collection of Taxes, relating to, . . . . .	61
“ of Taxes in the Town of Newbury, relating to, . . . . .	78
Assessors, Duties of, in addition to Act concerning, . . . . .	82
Assignees of Insolvents, concerning, . . . . .	105
Association, Eliot Library, Name of Jamaica Plain Athenæum changed to, . . . . .	7
“ Linden Grove Cemetery, to incorporate, . . . . .	90
“ Mishawum Literary, to incorporate, . . . . .	79
“ for the relief of Aged Indigent Females, in addition to Act incorporating, . . . . .	41
“ Traveller Newspaper, to incorporate, . . . . .	67
Associations, Law Library, Resolve in favor of, . . . . .	155
Asylum, Saint Vincent's Orphan, in addition to Act incorporating, . . . . .	42
Athenæum, Jamaica Plain, to change the Name of, . . . . .	7
Attendants and Officers of the Legislature, to regulate the Compensation of, . . . . .	4
Attorney for the Middle District, establishing the Salary of, . . . . .	85
Attorneys for the Northern, Eastern and Southern Districts, to fix the Salaries of, . . . . .	87
Auditor's Annual Report, what to embrace, . . . . .	128

## B.

Back Bay, regarding Railroad facilities for filling, . . . . .	165
Baker's Pond and Drain Fishing Company, to incorporate, . . . . .	52
Bank Bills, Certificates and Notes, Blanks for Counterfeiting, to prevent the use of, . . . . .	53
“ “ and Coin, granting aid for the suppression of Counterfeiting, . . . . .	165
“ of Commerce, Payment of certain lost Coupons authorized, . . . . .	155
“ Hide and Leather, time for paying in the Capital Stock, extended, . . . . .	61
“ Old Colony, to extend the time to pay in the increase of Capital, . . . . .	53
“ Returns, certain additional, required, . . . . .	86
Banks, Savings, and Mutual Insurance Companies, concerning Investments of, . . . . .	37
“ in South Boston, to make Monthly Returns, . . . . .	139
“ Specie in, to increase the amount of, . . . . .	54
“ “ “ “ “ “ Amendatory Act, . . . . .	139
Battery Wharf Company, to incorporate, . . . . .	90
Bemis, William L., Resolve on Petition of, . . . . .	161
Bills, Bank, Certificates and Notes, to prevent the use of Blanks for Counterfeiting, . . . . .	53
Black's Wharf, Heirs of John Black authorized to extend, . . . . .	17
Blanks for Counterfeiting Bank Bills, Certificates and Notes, to prevent the use of, . . . . .	53

# INDEX.

iii

Board of Agriculture, Resolve in favor of, . . . . .	Page 158
“ of Education, Office of the Secretary, to amend Act relating to, .	50
“ of Insurance Commissioners, for the better establishment of, .	152
Bonds, Executors', relating to, . . . . .	55
Books, Reports and Laws, received by Cities and Towns from the Com-	
monwealth, for the preservation of, . . . . .	81
Boston, City of, authorized to establish a City Hospital, . . . .	85
“ “ in further addition to Act for supplying, with Pure	
Water, . . . . .	64
“ “ Jurisdiction over certain Lands in, ceded to the United	
States, . . . . .	127
“ “ Public Institutions, concerning the removal of Prison-	
ers in, . . . . .	85
“ Harbor, Commissioners, Resolve for payment of, . . . .	161
“ “ concerning Criminal Jurisdiction in, . . . .	97
“ “ Scientific Survey of, Resolves relating to, . . . .	164
“ and New York Central Railroad Company, concerning, . .	16
“ Theatre, to incorporate the Proprietors of, . . . .	59
Boundary line between Marion and Wareham, Resolves in relation to, .	156
Bowdoin Mutual Insurance Company, concerning, . . . .	78
Boys, State Reform School for, in addition to Act establishing, . .	21
Branch Railroad, Marlborough, concerning, . . . . .	134
“ “ Saugus, to confirm transfer of franchise to Eastern	
Railroad Company, . . . . .	18
Branches to be taught in the Public Schools, concerning, . . .	6
Bridge, Essex, in addition to Act providing for the maintenance of, .	82
Bridges, Charles River and Warren, Tolls on, when to cease, . .	76
Broadway Railroad Company, concerning, . . . . .	17

## C.

Cambridge, Dams and Dikes in, Edmund T. Dana and others to	
construct, . . . . .	107
Cancelled Scrip, certain, Resolve providing for the destruction of, .	158
Cape Ann Mutual Marine Insurance Company, to incorporate, . .	65
“ Cod, Middleborough and Taunton, and Old Colony and Fall	
River Railroad Corporations, concerning, . . . . .	143
Cemetery Association, Linden Grove, to incorporate, . . . .	90
“ Company, East Douglas Evergreen, to incorporate, . . . .	92
Certificates, Notes and Bank Bills, Blanks for counterfeiting, to prevent	
the use of, . . . . .	53
Certiorari, Writ of, concerning, . . . . .	84
Change of Names, . . . . .	193
Chappequiddic Indian, Margaret Peters, Resolve in favor of Barnard	
C. Marchant for board and burial expenses of, . . . . .	162
Charitable Eye and Ear Infirmary, Massachusetts, Resolve in favor of, .	157
“ Institutions, Public, Resolves for appointment of Special	
Joint Committee on, . . . . .	163
Charles River and Warren Bridges, Tolls on, when to cease, . . .	76

Charter of the American Insurance Company, to extend, . . .	Page 8
"    Equitable Safety Insurance Company, to continue, . . .	32
"    New England Mutual Marine Insurance Company, to continue, . . . . .	56
Chauncy Fire and Marine Insurance Company, Name changed from Quincy Fire and Marine, . . . . .	89
Chelsea Beach Railroad Company, to incorporate, . . . . .	22
Chief Justice of the Superior Court of Suffolk County, late, Resolve in favor, . . . . .	162
Children, Employment of, in Manufacturing Establishments, concerning, . . .	61
"    Infant, of Female Convicts, concerning the Care of, . . . . .	41
"    Orphan and Destitute, to incorporate the Church Home for, . . .	28
Chilmark, Town of, Resolve in favor, . . . . .	160
Church Home for Orphan and Destitute Children, to incorporate, . . . . .	28
"    Protestant Episcopal, concerning the Officers of, . . . . .	86
Cities and Towns, Books, Reports and Laws received by, for the pre- servation of, . . . . .	81
City Hospital, City of Boston authorized to establish, . . . . .	85
"    of Newburyport, to amend Act establishing, . . . . .	132
"    of Salem, in addition to Act establishing, . . . . .	93
Claims of Operatives against Insolvent Debtors and Corporations, Pre- ferred, concerning, . . . . .	87
Cochituate Lake, City of Boston authorized to raise the Dam at the Outlet, &c., . . . . .	64
Cohasset, Jurisdiction over certain Lands in, ceded to the United States, . . .	33
Coin, Bank Bills, granting aid for the suppression of counterfeiting, . . .	165
Cole, John M. and Lansing J., Resolve in favor of, . . . . .	168
Collection and Assessment of Taxes, relating to, . . . . .	61
College, Harvard, President and Fellows authorized to resign their trusts concerning Theological Education, and the maintenance of a Theological School, . . . . .	152
Commissioners appointed under Acts "to regulate the use of Railroads," concerning Compensation of, . . . . .	8
"    on Boston Harbor, Resolve for Payment of, . . . . .	161
"    Insurance, Board of, for the better establishment, . . . . .	162
Commitment of Lunatics to Hospitals, concerning, . . . . .	51
Commitments to State Lunatic Hospitals, relating to persons having no settlement in the State, . . . . .	133
Committee on Public Charitable Institutions, Special Joint, Resolves for the appointment of, . . . . .	163
Common Pleas, Court of, for the County of Worcester, relating to, . . . . .	88
Commonwealth, Certain Funds belonging to, and the Disbursement of the Income, concerning, . . . . .	72
Compensation of the Lieutenant-Governor and Members of the Execu- tive Council, to establish, . . . . .	58
"    of Members, Officers and Attendants of the Legislature, to regulate, . . . . .	4
Complaints before Justices of the Peace and Police Courts, concerning, . . .	19

# INDEX.

v

Congregational Society, Pine Street, authorized to sell certain Real Estate, . . . . .	Page 125
Congress, 35th, Members of, . . . . .	200
Consolidation and Arrangement of the Statutes, Resolve in relation to, .	170
Conveyances and Devises of Estates for religious purposes, relating to,	97
Convicts, Female, Infant Children of, concerning the care, . . . . .	41
Coroners' and Fire Inquests, Costs of, concerning, . . . . .	25
Corporations, concerning Issues of Stock by, . . . . .	141
"    Frauds in Officers of, in addition to an Act to punish, . . . . .	86
"    Insolvent, concerning Preferred Claims of Operatives against, . . . . .	87
"    Stockholders in, to protect the Rights of, . . . . .	106
Costs of Coroners' and Fire Inquests, relating to, . . . . .	25
Cotter, Hannah, Resolve on Petition of, . . . . .	167
Council, Executive, Compensation of Members established, . . . . .	58
Counterfeiting Bank Bills and Coin, granting aid for the suppression of,	165
"    Bank Bills, Certificates and Notes, to prevent the use of	
Blanks for, . . . . .	53
County Taxes, Resolve granting, . . . . .	167
Coupons, certain lost, Resolve authorizing the payment of, . . . . .	155
Court of Common Pleas for the County of Worcester, relating to, . . . . .	88
"    General, Compensation of Members, Officers and Attendants, to regulate, . . . . .	4
"    "    Elections of Representatives to, in addition to Act concerning, . . . . .	7
"    House, Jurisdiction over certain Lands in Boston ceded to the United States for, . . . . .	127
"    of Insolvency for Middlesex and Worcester Counties, fixing the Salaries of Registers, . . . . .	97
"    Police, in Gloucester, to establish, . . . . .	98
"    "    in New Bedford, in addition to the several Acts in relation to, . . . . .	80
"    "    in Taunton, to establish, . . . . .	62
"    Supreme Judicial, in the County of Suffolk, concerning Officers attending on, . . . . .	81
"    "    of the United States, Resolves in relation to the Decision, in case of Scott <i>versus</i> Sandford, . . . . .	170
Courts of Insolvency, concerning the Records of, . . . . .	26
"    "    and of Probate, Jurisdiction of, united, . . . . .	67
"    Police, and Justices of the Peace, relating to, . . . . .	34
"    Police, Justices of, and of the Peace, concerning Complaints before, . . . . .	19
"    of Probate and of Insolvency, Jurisdiction of, united, . . . . .	67
Creditors, to amend Act of 1851, providing further Remedy for, . . . . .	26
Crime of Murder, in relation to, . . . . .	126
Criminal Jurisdiction in Boston Harbor, relating to, . . . . .	97
"    Law, to provide for the better Administration of, . . . . .	101
Cummings, Allen, Resolve in favor of, . . . . .	168



## D.

Dana, Edmund T., and others, authorized to construct Dams and Dikes in Cambridge, . . . . .	Page 107
Debtor, Insolvent, discharge of, to amend Acts of 1856, relating to, . . . . .	40
“ “ discharge of, concerning, . . . . .	88
“ “ Assignee of, may be trustee, . . . . .	31
Debtors and Corporations, Insolvent, concerning Preferred Claims of Operatives against, . . . . .	87
“ Insolvent, concerning Assignees of, . . . . .	105
“ “ relating to sale of Property of, . . . . .	56
“ Non-resident, to amend Act of 1851, providing further remedy for Creditors of, . . . . .	26
Deceased Paupers, relating to Estates of, . . . . .	21
Decision of the Supreme Court of the United States in case of Scott <i>versus</i> Sandford, Resolves in relation to, . . . . .	170
Delinquent Agents of Foreign Insurance Companies, relating to, . . . . .	142
Descent and Distribution of the Estates of Intestates, in addition to Act relating to, . . . . .	26
Destitute and Orphan Children, Church Home for, to incorporate, . . . . .	28
Destruction of certain Cancelled Scrip, Resolve providing for, . . . . .	158
Devises of Estates for religious purposes, relating to, . . . . .	97
Dikes and Dams in Cambridge, Edmund T. Dana and others, to construct, . . . . .	107
Disbursement of the Income of certain Funds belonging to Commonwealth, relating to, . . . . .	72
Discharge of an Insolvent Debtor, to amend Act of 1856, relating to, . . . . .	40
Discharges in Insolvency, concerning, . . . . .	88
Discipline of Jails and Houses of Correction, concerning, . . . . .	58
Distribution of the Annual Reports of Railroad Corporations, relating to, . . . . .	7
“ and Descent of the Estates of Intestates, in addition to Act relating to, . . . . .	26
“ of the New Plymouth Records, Resolves in relation to, . . . . .	159
District-Attorney for the Middle District, establishing the Salary of, . . . . .	85
District-Attorneys for the Northern, Eastern and Southern Districts, to fix the Salaries of, . . . . .	87
District of Marshpee, relating to Pickerel and Perch Fishery in, . . . . .	71
Districts, School, in relation to, . . . . .	107
Diversions, Public, relating to, . . . . .	124
Documents and Reports, Public, in addition to Act relating to, . . . . .	34
Dogs, for the better preservation of Sheep from the ravages of, . . . . .	102
Dorchester Fire Insurance Company, to incorporate, . . . . .	17
Dower, relating to, . . . . .	40
Dry Measure, the authorized standard for measuring Fruit, Vegetables and Nuts, . . . . .	53
Dudley, Troy and Marshpee Indians, Resolve in favor of, . . . . .	163
Duties of Assessors, in addition to Act concerning, . . . . .	86

# INDEX.

vii

## E.

East Douglas Evergreen Cemetery Company, to incorporate, . . .	Page 92
Eastern, Northern and Southern Districts, Salaries of Attorneys, to fix, . . .	87
Eastern Railroad Company, transfer to, of Franchise of the Saugus Branch Railroad Company confirmed, . . .	18
Education, Board of, to amend Act relating to the Office of Secretary, . . .	50
Ela, William H., Resolve in favor of, . . .	165
Elections of Representatives to the General Court, in addition to Act concerning, . . .	7
Eliot Library Association, Name of Jamaica Plain Athenæum changed to, . . .	7
Ellison, Almeda, Resolve in favor of, . . .	168
Emergency Fund, making Appropriation for, . . .	19
Employment of Children in Manufacturing Establishments, concerning, . . .	61
Encampments, Military, concerning, . . .	140
Episcopal Church, Protestant, concerning the Officers of, . . .	86
Equitable Safety Insurance Company, to continue Charter of, . . .	32
Essex Bridge, in addition to Act providing for Maintenance of, . . .	82
Estate, Real, concerning Partition of, . . .	100
Estates, Conveyances and Devises of, for religious purposes, relating to, . . .	97
" of Deceased Paupers, relating to, . . .	21
" of Intestates, descent and distribution of, in addition to Act relating to, . . .	26
European Wharf Company, in Boston, to incorporate, . . .	26
Evergreen Cemetery Company, East Douglas, to incorporate, . . .	92
Evidence of Foreclosure of Mortgages of Personal Property, to perpetuate, . . .	6
Executive Council, Compensation of, established, . . .	58
Executors' Bonds, relating to, . . .	55
Exemption of the Homestead of a Householder from levy on execution, additional Act, . . .	51
" of the Property of Widows and Unmarried Females from Taxation, relating to, . . .	33
Expenditures, certain, authorized the present year, making Appropriations to meet, . . .	108
Expenses, certain, incurred in previous years, making further Appropriations to pay, . . .	95
" of the year 1857, making Appropriations to pay, . . .	20
" of the year 1857, making Appropriations to pay, additional Act, . . .	31
Eye and Ear Infirmary, Massachusetts Charitable, Resolve in favor of, . . .	157

## F.

Falmouth, Herring Fisheries in the town of, to protect, . . .	94
Fears, Robert, to extend his Wharf, . . .	65
Fees, in certain cases in Insolvency, concerning, . . .	106
Female Convicts, care of Infant Children of, concerning, . . .	41

Females, Aged Indigent, Association for Relief of, in addition to Act incorporating, . . . . .	Page 41
" Unmarried, and Widows, exemption from Taxation of the Property of, relating to, . . . . .	33
Fence around Fort Washington, Resolve in aid of the erection of, . . . . .	164
Finance, to regulate certain matters of, . . . . .	128
Finances of the Commonwealth, to establish a better system for the administration of, . . . . .	3
Fire and Coroners' Inquests, relating to Costs of, . . . . .	25
Fireman and Watchmen to the State House, for the appointment of, . . . . .	131
Fish, Menhaden, regulating the Seining of, in Rivers of the Commonwealth, . . . . .	39
Fisheries, Herring, in the Town of Falmouth, to protect, . . . . .	94
" in the vicinity of Nantucket, in further addition to Act regulating, . . . . .	72
Fishery, Pickerel and Perch, in the District of Marshpee, in relation to, . . . . .	71
Fishing Company, Baker's Pond and Drain, to incorporate, . . . . .	52
Flanders, Alfred, Resolve on Petition of, . . . . .	162
Foreclosure of Mortgages of Personal Property, to perpetuate the Evidence of, . . . . .	6
Foreign Insurance Companies, Delinquent Agents of, relating to, . . . . .	142
" " " Returns by Agents of, relating to, . . . . .	37
Fort Washington, Resolve in aid of the erection of a Fence around, . . . . .	164
Franchise of the Saugus Branch Railroad Company, to confirm transfer of, to the Eastern Railroad Company, . . . . .	18
Frauds in Officers of Corporations, in addition to an Act to punish, . . . . .	86
Fruit and Vegetables, concerning the measurement of, . . . . .	53
Fund, Emergency, making Appropriation for, . . . . .	19
" Western Railroad Sinking, respecting, . . . . .	78, 131
Funds, certain, belonging to the Commonwealth, and Disbursement of the Income, relating to, . . . . .	72

## G.

Gay Head Indians, certain, Resolve in favor of the Town of Chilmark, for support of, . . . . .	160
General Court, Compensation of Members, Officers and Attendants, to regulate, . . . . .	4
" " Elections of Representatives to, in addition to Act concerning, . . . . .	7
Geological Report, Professor Hitchcock's, Resolve relating to, . . . . .	163
Girls, State Industrial School for, concerning, . . . . .	84
" " " " Resolve in relation to, . . . . .	162
Gloucester, Police Court in, to establish, . . . . .	98
Government, Maintenance of, Appropriations for 1858, . . . . .	8
" " " " Supplementary Act, . . . . .	147
Government of Prisons, relating to, . . . . .	134

# INDEX.

ix

Governor's Inaugural Address, . . . . .	173
Granite Railway Company, authorized to hold Meeting for choice of Officers, . . . . .	150
Guardians and Wards, concerning, . . . . .	87

## H.

Hadley Falls, Proprietors of, to incorporate, . . . . .	60
Harbor of Boston, Commissioners on, Resolve for payment of, . . . . .	161
“ “ concerning Criminal Jurisdiction in, . . . . .	97
“ “ Scientific Survey of, Resolves in relation to, . . . . .	104
Harvard College, President and Fellows authorized to resign their trusts concerning Theological Education, and the Maintenance of a Theological School, . . . . .	152
Hassanamisco Indians, Resolve in favor of, . . . . .	167
Herring Fisheries in the Town of Falmouth, to protect, . . . . .	94
Hide and Leather Bank, in Boston, time for paying in Capital Stock extended, . . . . .	65
Hitchcock's Geological Report, Resolve in relation to, . . . . .	163
Hodges, Horace I., Resolve in favor of, . . . . .	166
Home for Orphan and Destitute Children, Church, to incorporate, . . . . .	28
Homestead of a Householder, in addition to Act to exempt from levy on execution, . . . . .	51
Horse Railroad Company, Broadway, concerning, . . . . .	17
“ “ Chelsea Beach, to incorporate, . . . . .	22
“ “ West Roxbury, in addition to Act incorporating, . . . . .	28
Hospital, City, authorizing the City of Boston to establish, . . . . .	85
“ for Insane at Northampton, making final Appropriations for, . . . . .	104
“ Rainsford Island, Resolve concerning, . . . . .	162
Hospitals, Commitment of Lunatics to, concerning, . . . . .	51
“ State Lunatic, relating to, . . . . .	16
“ “ “ relating to persons committed to, not having a known settlement in the State, . . . . .	133
Householder, Homestead of, in addition to Act exempting from levy on execution, . . . . .	51
Houses of Correction, providing for removal of Officers using Intoxicating Liquors, . . . . .	134
“ “ and Jails, concerning the Discipline of, . . . . .	58

## I.

Idiotic and Feeble-Minded Youth, Massachusetts School for, Resolve in favor, . . . . .	157
Inaugural Address of the Governor, . . . . .	173
Income of certain funds belonging to the Commonwealth, relating to disbursement of, . . . . .	72
India Fire and Marine Insurance Company, to incorporate, . . . . .	142
Indians, Chappequiddic, Resolve in favor of Guardian, for board and burial expenses of Margaret Pete:s . . . . .	162

Indians, Dudley, Troy and Marshpee, Resolve in favor of, . . . . .	Page 163
"    Gay Head, certain, Resolve in favor of the Town of Chilmark for support of, . . . . .	160
"    Hassanamisco, Resolve in favor of, . . . . .	167
Indigent Females, Aged, Association for the Relief of, in addition to Act incorporating, . . . . .	41
Industrial School for Girls, State, concerning, . . . . .	84
"    "    "    "    Resolve in relation to, . . . . .	162
Infant Children of Female Convicts, concerning the care of, . . . . .	41
Infirmary, Massachusetts Charitable Eye and Ear, Resolve in favor of, . . . . .	157
Inquests, Coroners' and Fire, relating to costs of, . . . . .	25
Insane, Hospital for, at Northampton, making final Appropriations, . . . . .	104
Insolvency, concerning discharges in, . . . . .	88
"    concerning Fees in certain cases, . . . . .	106
"    Court for Middlesex and Worcester Counties, fixing the Salaries of Registers, . . . . .	97
"    Courts, concerning the Records of, . . . . .	26
"    and Probate, changing Jurisdiction in matters of, . . . . .	67
Insolvent Debtor, Assignee of, may be trustee of, . . . . .	31
"    "    discharge of, to amend Act of 1856, relating to, . . . . .	40
"    "    "    concerning, . . . . .	88
"    Debtors and Corporations, concerning Preferred Claims of Operatives against, . . . . .	87
"    "    relating to sale of Property of, . . . . .	56
Insolvents, Assignees of, concerning, . . . . .	105
Institute, Rumford, in Waltham, to incorporate, . . . . .	38
Institution for Savings in Newburyport and its Vicinity, relating to, . . . . .	16
Institutions, Public Charitable, Resolves for appointment of a Special Joint Committee on, . . . . .	163
"    "    of the City of Boston, concerning the removal of Prisoners in, . . . . .	85
Instruction, Branches of, to be taught in the Public Schools, concerning, . . . . .	6
Insurance Commissioners, Board of, for the better establishment, . . . . .	152
"    Companies, to amend Act of 1856, concerning, . . . . .	124
"    "    Foreign, Delinquent Agents of, relating to, . . . . .	142
"    "    "    Returns by Agents of, relating to, . . . . .	37
"    "    Mutual, and Savings Banks, concerning Invest- ments of, . . . . .	37
"    Company, American, to extend the Charter of, . . . . .	8
"    "    Bowdoin Mutual, concerning, . . . . .	77
"    "    Cape Ann Mutual Marine, to incorporate, . . . . .	65
"    "    Chauncy Fire and Marine, Name of Quincy Fire and Marine changed to, . . . . .	89
"    "    Dorchester Fire, to incorporate, . . . . .	17
"    "    Equitable Safety, to continue the Charter of, . . . . .	32
"    "    India Fire and Marine, to incorporate, . . . . .	142
"    "    Lynn Mutual Fire, concerning, . . . . .	21
"    "    Middlesex Mutual Fire, concerning, . . . . .	77

# INDEX.

xi

Insurance Company, New England Mutual Marine, to continue the Charter of, . . . . .	Page 56
“ “ Quincy Fire and Marine, to change Name of, to Chauncy Fire and Marine, . . . . .	89
“ “ South Danvers Mutual, concerning, . . . . .	25
“ “ Springfield Fire and Marine, authorized to increase its Investment in Real Estate, . . . . .	6
“ “ Winthrop Mutual Fire, to incorporate, . . . . .	79
Intestates, Estates of, Descent and Distribution, in addition to Act relating to, . . . . .	26
Investments of Savings Banks and Mutual Insurance Companies, concerning, . . . . .	37
Issues of Stock by Corporations, concerning, . . . . .	141

## J.

Jails and Houses of Correction, concerning the Discipline of, . . . . .	58
“ in Middlesex County, concerning, . . . . .	28
“ removal of Officers, using Intoxicating Liquors, providing for, . . . . .	134
Jamaica Plain Athenæum, to change the Name of, . . . . .	7
Jurisdiction over certain Lands in Boston ceded to the United States for a Court House, . . . . .	127
“ “ “ in Cohasset, ceded to the United States, for a Light-Keeper's House, &c., . . . . .	33
“ “ “ on Point of Rocks in Westport, ceded to the United States, . . . . .	39
“ Criminal, in Boston Harbor, relating to, . . . . .	97
“ in matters of Probate and of Insolvency, to change, . . . . .	67
Jury, Trial by, before Justices of the Peace, in certain Cases, to amend Act providing for, . . . . .	55
Justices of the Peace and Police Courts, concerning Complaints before, . . . . .	19
“ “ “ “ relating to, . . . . .	34
“ “ Returns by, to amend Act of 1852, concerning, . . . . .	126
“ “ Trial by Jury before, in certain Cases, to amend Act providing for, . . . . .	55
Justices to try Criminal Cases, Governor to designate and commission, . . . . .	101

## K.

Kansas, Resolves relative to the Admission of, . . . . .	168
--	-----

## L.

Lake Cochituate, City of Boston authorized to raise the Dam at the outlet, &c., . . . . .	64
Land Office, to abolish, . . . . .	63
Lands in Boston, certain, Jurisdiction over, ceded to the United States, . . . . .	127
“ in Cohasset, certain, Jurisdiction over, ceded to the United States, . . . . .	33

Lands on Point of Rocks in Westport, certain, Jurisdiction over, ceded to the United States, . . . . .	Page 39
Law, Criminal, to provide for the better Administration of, . . . . .	101
“ Library Associations, Resolve in favor of, . . . . .	155
Laws, Books and Reports received by Cities and Towns from the Commonwealth, for the preservation of, . . . . .	81
Lawrence, James, and others, Resolve on Petition of, . . . . .	156
Legislature, Compensation of Members, Officers and Attendants of, to regulate, . . . . .	4
“ Elections of Representatives, in addition to Act concerning, . . . . .	7
Liberties and Rights of the People of the Commonwealth, to amend Act to protect, . . . . .	151
Library Association, Eliot, Name of the Jamaica Plain Athenæum changed to, . . . . .	7
“ Associations, Law, Resolve in favor of, . . . . .	155
“ State, Resolve relating to, . . . . .	155
Liens of Mechanics and others, to amend chap. 431 of Acts of 1855, relating to, . . . . .	40
Lieutenant-Governor and Members of the Executive Council, to establish the Compensation of, . . . . .	58
Limited Partnerships, relating to, . . . . .	106
Linden Grove Cemetery Association, to incorporate, . . . . .	90
Liquors, Spirituous and Intoxicating, certain, Darius A. Martin authorized to deliver to Agent, &c., . . . . .	161
“ “ “ “ concerning Purchase and Sale of, for Town Agents, . . . . .	145
Literary Association, Mishawum, to incorporate, . . . . .	79
Lost Coupons, certain, Resolve authorizing payment of, . . . . .	155
Luce, William H., Resolve in favor of, . . . . .	165
Lumber, Ornamental Wood and Ship Timber, concerning Survey of, . . . . .	135
Lunatic Hospitals, State, relating to, . . . . .	16
“ “ “ “ persons committed to, not having a known settlement in the State, . . . . .	133
Lunatics, concerning Commitment of, to Hospitals, . . . . .	51
Lynn Mutual Fire Insurance Company, concerning, . . . . .	21

**M.**

Maintenance of Essex Bridge, in addition to Act providing for, . . . . .	82
“ Government, Appropriations for 1858, . . . . .	8
“ “ “ “ 1858, Supplementary Act, . . . . .	147
“ a Theological School, and Theological Education, President and Fellows of Harvard College authorized to resign their trusts concerning, . . . . .	152
Manufacturing Company, Pemberton, to incorporate, . . . . .	38
“ Establishments, employment of Children in, concerning, . . . . .	61
Marchant, Barnard C., Resolve in favor of, . . . . .	162

# INDEX.

xiii

Marion and Wareham, Resolves in relation to Town Lines between, . . .	Page 156
Marlborough Branch Railroad, concerning, . . .	134
Marshpee, District of, relating to Pickerel and Perch Fishery in, . . .	71
"    Dudley and Troy Indians, Resolve in favor of, . . .	163
Martin, Darius A., Resolves on Petition of, . . .	161
Massachusetts Charitable Eye and Ear Infirmary, Resolves in favor, . . .	157
"    School for Idiotic and Feeble-Minded Youth, Resolve in favor, . . .	157
McGrath, John, Resolve on Petition of, . . .	157
Measurement of Fruit and Vegetables, concerning, . . .	53
Mechanics, Liens of, to amend chap. 431 of Acts of 1855, relating to, . . .	40
Members of 35th Congress, . . .	200
"    of the Executive Council, to establish the Compensation of, . . .	58
"    Officers and Attendants of the Legislature, to regulate the Compensation of, . . .	4
Menhaden, regulating the Seining of, in the Rivers of the Commonwealth, . . .	39
Messages, Special, . . .	185
Middle District, Salary of District-Attorney, established, . . .	85
Middleborough and Taunton Railroad Company, the Old Colony and Fall River, and the Cape Cod, concerning, . . .	143
Middlesex County, Court of Insolvency for, fixing the Salary of Register, . . .	97
"    "    Jails in, concerning, . . .	28
"    Mutual Fire Insurance Company, concerning, . . .	77
Midland Railroad Company, to incorporate, . . .	42
Militia, concerning, . . .	140
Millbury and Southbridge Railroad Company, concerning, . . .	18
Mills, Pacific, to increase the Capital Stock of, . . .	81
"    Ward, to incorporate, . . .	91
"    Washington, to incorporate, . . .	89
Mishawum Literary Association, to incorporate, . . .	79
Money, Treasurer to borrow, in anticipation of the Revenue, . . .	159
Mortgages of Personal Property, Evidence of Foreclosure, to perpetuate, . . .	6
Murder, relating to the Crime of, . . .	126
Museum of Natural History, Warren, to incorporate, . . .	22
Mutual Fire Insurance Companies, to amend Act of 1856, concerning, . . .	124
Mutual Fire Insurance Company, Lynn, concerning, . . .	21
"    "    "    Middlesex, concerning, . . .	77
"    "    "    South Danvers, concerning, . . .	25
"    "    "    Winthrop, to incorporate, . . .	79
Mutual Insurance Companies and Savings Banks, concerning Investments of, . . .	37
"    Insurance Company, Bowdoin, concerning, . . .	78
"    Marine Insurance Company, Cape Ann, to incorporate, . . .	65
"    "    "    New England, to continue the Charter of, . . .	56



## N.

Names, Change of, . . . . .	Page 193
Nantucket, Fishcries in vicinity of, in further addition to Act regulating, . . . . .	72
Natural History, Warren Museum of, to incorporate, . . . . .	22
Naturalization, to amend chap. 47 of the Acts of 1856, respecting, . . . . .	33
Nelson, Albert H., late Chief Justice of the Superior Court, Resolve in favor of, . . . . .	162
New Bedford, Police Court of, in addition to the several Acts relating to, . . . . .	80
New England Mutual Marine Insurance Company, to continue the Charter of, . . . . .	56
"    Pipe Works, to incorporate, . . . . .	65
New North Religious Society, Resolve on Petition of, . . . . .	166
New Plymouth Records, Resolves in relation to, . . . . .	168
"    "    "    Resolves relative to the Distribution of, . . . . .	159
New York and Boston Railroad, to extend the time for locating and constructing, . . . . .	18
Newbury, Assessment of Taxes in the town of, relating to, . . . . .	78
Newburyport, City of, to amend Act establishing, . . . . .	132
"    Institution for Savings in, and its Vicinity, relating to, . . . . .	16
Newspaper Association, Traveller, to incorporate, . . . . .	67
Northampton, Hospital for Insane at, making final Appropriations for, . . . . .	104
Northern, Eastern and Southern Districts, Salaries of Attorneys, to fix, . . . . .	87
Notes, Certificates and Bank Bills, Blanks for counterfeiting, to prevent the use of, . . . . .	53
"    payable on demand, concerning, . . . . .	55

## O.

Officers and Attendants of the Legislature, to regulate the Compensation of, . . . . .	4
"    attending on the Supreme Judicial Court in Suffolk County, concerning, . . . . .	81
"    of Corporations, Frauds in, additional to an Act to punish, . . . . .	86
"    of the Protestant Episcopal Church, concerning, . . . . .	86
Old Colony Bank, in Plymouth, to extend the time to pay in the increase of Capital, . . . . .	53
"    and Fall River Railroad Company, the Middleborough and Taunton, and the Cape Cod, concerning, . . . . .	143
Operatives, Preferred Claims of, against Insolvent Debtors and Corporations, concerning, . . . . .	87
Ornamental Wood, Lumber and Ship Timber, concerning the Survey of, . . . . .	135
Orphan Asylum, Saint Vincent's, in addition to Act incorporating, . . . . .	42
"    and Destitute Children, Church Home for, to incorporate, . . . . .	28

# INDEX.

xv

## P.

Pacific Mills, to increase the Capital Stock of, . . . . .	Page 81
" Print Works, to incorporate, . . . . .	107
Partition of Real Estate, concerning, . . . . .	100
Partnerships, Limited, relating to, . . . . .	106
Paupers, Deceased, relating to Estates of, . . . . .	21
Pay of the Lieutenant-Governor and Members of the Executive Council, to establish, . . . . .	58
" Members, Officers, and Attendants of the Legislature, to regulate, . . . . .	4
Payment of certain Expenses authorized the present year, making Appropriations for, . . . . .	108
" " " incurred in previous years, making further Appropriations for, . . . . .	95
" " " of the year 1857, making Appropriations for, . . . . .	20
" " " of the year 1857, making Appropriations for ; additional Act, . . . . .	31
" " lost Coupons, authorized, . . . . .	155
" Commissioners on Boston Harbor, Resolve for, . . . . .	161
Pemberton Manufacturing Company, to incorporate, . . . . .	38
People of the Commonwealth, Act to protect the Rights and Liberties of, amended, . . . . .	161
Perch and Pickerel Fishery in the District of Marshpee, relating to, . . . . .	71
Personal Liberty Act" amended, . . . . .	151
Personal Property, Foreclosure of Mortgages of, to perpetuate Evi- dence of, . . . . .	6
Pickerel and Perch Fishery in the District of Marshpee, relating to, . . . . .	71
Pine Street Congregational Society authorized to sell certain Real Estate, . . . . .	125
Pipe Works, New England, to incorporate, . . . . .	65
Plymouth Records, Resolves in relation to, . . . . .	168
" " " relative to the Distribution of, . . . . .	159
Point of Rocks in Westport, Jurisdiction over certain Lands on, ceded to the United States, . . . . .	39
Police Court in Gloucester, to establish, . . . . .	98
" " in New Bedford, in addition to the several Acts in relation to, . . . . .	80
" " in Taunton, to establish, . . . . .	62
" Courts and Justices of the Peace, relating to, . . . . .	34
" " Justices of, and of the Peace, concerning Complaints before, Justices, Governor to designate and commission, . . . . .	19
" Justices, Governor to designate and commission, . . . . .	101
Pond and Drain Fishing Company, Baker's, to incorporate, . . . . .	52
Potter, Henry A., and others, to maintain and extend their Wharf, . . . . .	19
Preferred Claims of Operatives against Insolvent Debtors and Corpora- tions, concerning, . . . . .	87
Preservation of Books, Reports and Laws, received by Cities and Towns from the Commonwealth, providing for, . . . . .	81

Preservation of Sheep from the ravages of Dogs, for the better, . . . . .	Page 102
President and Fellows of Harvard College authorized to resign their trusts concerning Theological Education and the Maintenance of a Theological School, . . . . .	152
Print Works, Pacific, to incorporate, . . . . .	107
Prisoners in the Public Institutions of the City of Boston, concerning the removal of, . . . . .	85
Prisons, relating to the Government of, . . . . .	134
Probate and Insolvency, to change the Jurisdiction in matters of, . . . . .	67
Promissory Notes, payable on demand, concerning, . . . . .	55
Property of Insolvent Debtors, relating to sale of, . . . . .	56
" Personal, to perpetuate the Evidence of Foreclosure of Mortgages of, . . . . .	6
" of Widows and Unmarried Females, relating to exemption of, from Taxation, . . . . .	33
Proprietors of the Boston Theatre, to incorporate, . . . . .	59
" of the Hadley Falls, to incorporate, . . . . .	60
Protestant Episcopal Church, concerning the Officers of, . . . . .	86
Proxies, concerning, . . . . .	58
Public Amusements, in addition to Act concerning, . . . . .	125
" Charitable Institutions, Resolves for the appointment of a Special Joint Committee on, . . . . .	163
" Diversions, relating to, . . . . .	124
" Institutions of the City of Boston, concerning the removal of Prisoners in, . . . . .	85
" Reports and Documents, in addition to Act relating to, . . . . .	34
" Schools, concerning the Branches to be taught in, . . . . .	6
Purchase and Sale of Spirituous and Intoxicating Liquors for Town Agents, concerning, . . . . .	145

## Q.

Quincy Fire and Marine Insurance Company, to change the Name to, . . . . .	
Chauncy Fire and Marine, . . . . .	89

## R.

Railroad, Branch, Marlborough, concerning, . . . . .	134
" " Saugus, transfer of Franchise to Eastern Railroad Company confirmed, . . . . .	18
" Corporation, Amherst and Belchertown, concerning, . . . . .	66
" " Boston and New York Central, concerning, . . . . .	16
" " Broadway, concerning, . . . . .	17
" " Cape Cod, Middleborough and Taunton and the Old Colony and Fall River, concerning, . . . . .	143
" " Chelsea Beach, to incorporate, . . . . .	22
" " Eastern, to confirm the transfer of Franchise of the Saugus Branch Railroad Company to, . . . . .	18

# INDEX.

xvii

Railroad Corporation, Marlborough Branch, concerning, . . .	Page 134
"    "    Middleborough and Taunton, Old Colony and Fall River, and the Cape Cod, concerning, . . .	143
"    "    Midland, to incorporate, . . .	42
"    "    Millbury and Southbridge, concerning, . . .	18
"    "    New York and Boston, to extend the time for location and construction of Road, . . .	18
"    "    Old Colony and Fall River, Middleborough and Taunton, and the Cape Cod, concerning, . . .	143
"    "    Southbridge and Blackstone, extending time for construction of road, by Boston and New York Central Railroad Company, . . .	16
"    "    West Roxbury, in addition to Act incorporating, Corporations, Annual Reports, relating to the Distribution of,	28
"    "    Concerning votes of Stockholders, by Proxies, . . .	7
"    Facilities for filling Back Bay, Resolves regarding, . . .	58
Railroads, in addition to Act regulating the use of, . . .	165
Railway Company, Granite, to hold a meeting for choice of Officers, . . .	8
Rainsford Island Hospital, Resolve concerning, . . .	150
Ravages of Dogs, for the better preservation of Sheep from, . . .	162
Real Estate, Partition of, concerning, . . .	102
Records of Courts of Insolvency, concerning, . . .	100
"    New Plymouth, Resolves in relation to, . . .	26
"    "    "    Resolves relative to the Distribution of, . . .	168
Reform School for Boys, State, in addition to Act establishing, . . .	159
Registers of Court of Insolvency for the Counties of Middlesex and Wor- cester, fixing the Salaries of, . . .	21
Relief of Aged Indigent Females, Association for, in addition to Act incorporating, . . .	97
Religious Purposes, Conveyance and Devises of Estates for, relating to, "    Society, New North, Resolve on Petition of, . . .	41
Remedy for Creditors, Further, to amend Act of 1851, providing, . . .	97
Removal of Prisoners in the Public Institutions of the City of Boston, concerning, . . .	156
Report of the Auditor, Annual, what to embrace, . . .	26
"    Professor Hitchcock's Geological, Resolve in relation to, . . .	85
Reports, Annual, of Railroad Corporations, relating to the Distribution of, "    Books and Laws, received by Cities and Towns from the Com- monwealth, for the preservation of, . . .	128
"    and Documents, Public, in addition to Act relating to, . . .	163
Representatives to the General Court, Elections of, in addition to Act concerning, . . .	7
Returns by Justices of the Peace, to amend Act of 1852, concerning, . . .	7
"    by Agents of Foreign Insurance Companies, relating to, . . .	126
"    Bank, certain additional, required, . . .	37
Revenue, Treasurer to borrow Money in anticipation of, . . .	86
Rhodes, John, Resolve on Petition of, . . .	159
	166

Rights and Liberties of the People of the Commonwealth, to amend Act to protect, . . . . .	Page 151
“ of Stockholders in Corporations, to protect, . . . . .	106
Rumford Institute, in Waltham, to incorporate, . . . . .	38

## S.

Saint Vincent's Orphan Asylum, in addition to Act incorporating, . . . . .	42
Salaries of District-Attorneys for the Northern, Eastern and Southern Districts, to fix, . . . . .	87
“ Registers of the Court of Insolvency for the Counties of Middlesex and Worcester, fixing, . . . . .	97
Salary of the Adjutant-General defined, . . . . .	127
“ District-Attorney for Middle District established, . . . . .	85
“ the Superintendent of Alien Passengers, defining, . . . . .	96
Sale of Property of Insolvent Debtors, relating to, . . . . .	56
“ Spirituous and Intoxicating Liquors, for Town Agents, concerning, . . . . .	145
Salem, City of, in addition to Act establishing, . . . . .	93
Sargent, Ignatius, Guardian, authorized to sell certain Land of his Ward, . . . . .	57
Saugus Branch Railroad Company, to confirm the transfer of Franchise to the Eastern Railroad Company, . . . . .	18
Savings Banks and Mutual Insurance Companies, concerning Investments of, . . . . .	37
“ Institution for, in Newburyport and its Vicinity, relating to, . . . . .	16
Scott <i>versus</i> Sandford—Decision of Supreme Court of United States in case of, Resolves in relation to, . . . . .	170
School Districts, in relation to, . . . . .	107
“ Idiotic and Feeble-Minded Youth, Massachusetts, Resolve in favor, . . . . .	157
“ State Industrial, for Girls, concerning, . . . . .	84
“ “ “ Resolve in relation to, . . . . .	162
“ State Reform, for Boys, in addition to Act establishing, . . . . .	21
“ Theological, Theological Education, President and Fellows of Harvard College authorized to resign their trusts, concerning, . . . . .	152
Schools, Public, concerning the Branches to be taught in, . . . . .	6
Scientific Survey of Boston Harbor, Resolves in relation to, . . . . .	164
Scrip, certain cancelled, Resolve providing for the Destruction of, . . . . .	158
Secretary of the Board of Education, to amend Act relating to the Office of, . . . . .	50
Seining of Menhaden in the Rivers of the Commonwealth, regulating, . . . . .	39
Sheep, for the better preservation from the ravages of Dogs, . . . . .	102
Ship Timber, Lumber and Ornamental Wood, concerning the Survey of, . . . . .	135
Sinking Fund, Western Railroad, respecting, . . . . .	78, 131
Society, New North Religious, Resolve on Petition of, . . . . .	156
“ Pine Street Congregational, authorized to sell certain Real Estate, . . . . .	125
Somes, John, to extend his Wharf, . . . . .	64

# INDEX.

xix

South Boston, Banks in, to make Monthly Returns, . . . . .	Page 139
“ Danvers Mutual Insurance Company, concerning, . . . . .	25
Southbridge and Blackstone Railroad, extending time for construction, by Boston and New York Central Railroad Company, . . . . .	16
Southern, Northern and Eastern Districts, Salaries of Attorneys, to fix, . . . . .	87
Special Administrators, relating to, . . . . .	89
“ Joint Committee on Public Charitable Institutions, Resolves for the appointment of, . . . . .	163
Specie in the Commonwealth, to increase the amount of, . . . . .	54
“ “ “ “ Amendatory Act, . . . . .	139
Spirituous and Intoxicating Liquors, concerning Purchase and Sale of, for Town Agents, . . . . .	145
Springfield Fire and Marine Insurance Company, authorized to increase its Investment in Real Estate, . . . . .	6
State Almshouses, Inmates of, to receive the ministrations of Clergymen of their own religious faith, . . . . .	161
“ Almshouses, Superintendents may contract for the employment of inmates, . . . . .	142
“ Board of Agriculture, Resolve in favor of, . . . . .	158
“ House, Watchmen and Fireman, for the appointment of, . . . . .	131
“ Industrial School for Girls, concerning, . . . . .	84
“ “ “ “ Resolve in relation to, . . . . .	162
“ Library, Resolve relating to, . . . . .	155
“ Lunatic Hospitals, relating to, . . . . .	16
“ “ “ “ persons committed to, not having a known settlement in the State, . . . . .	133
“ Prison, removal of Officers using Intoxicating Liquors, providing for, . . . . .	134
“ Reform School for Boys, in addition to Act establishing, . . . . .	21
“ Tax of \$359,988, to apportion and assess, . . . . .	109
Statutes, Consolidation and Arrangement of, Resolve in relation to, . . . . .	170
Stock, concerning Issues of, by Corporations, . . . . .	141
Stockholders in Corporations, to protect the Rights of, . . . . .	106
Superintendent of Alien Passengers, defining the Salary of, . . . . .	96
Suppression of Counterfeiting Bank Bills and Coin, granting aid for, . . . . .	165
Supreme Court of the United States, Decision of, in case of Scott <i>versus</i> Sandford, Resolves in relation to, . . . . .	170
“ Judicial Court, in County of Suffolk, concerning Officers at- tending on, . . . . .	81
Survey of Boston Harbor, Scientific, Resolves in relation to, . . . . .	164
“ Lumber, Ornamental Wood and Ship Timber, concerning, . . . . .	135

## T.

Taunton, Police Court in, to establish, . . . . .	62
Tax, State, of \$359,988, to apportion and assess, . . . . .	109
Taxation of the Property of Widows and Unmarried Females, relating to exemption from, . . . . .	33

Taxes, Assessment and Collection of, relating to, . . . . .	Page 61
"    "    of, in the Town of Newbury, relating to, . . . . .	78
"    for the several Counties, Resolve granting, . . . . .	167
Terrapin, regulating the taking of, in the waters of the Commonwealth, .	61
Theatre, Boston, Proprietors of, to incorporate, . . . . .	69
Theological Education and Maintenance of a Theological School, President and Fellows of Harvard College authorized to resign their trusts concerning, . . . . .	152
Timber, Ship, Lumber and Ornamental Wood, concerning the Survey of, . . . . .	136
Town Agents, concerning Purchase and Sale of Spirituous Liquors for, .	146
Towns and Cities, Books, Reports and Laws received by, from the Commonwealth, for the preservation of, . . . . .	81
"    of Marion and Wareham, Resolves in relation to lines between, .	156
Transfer of the Franchise of the Saugus Branch Railroad Company to the Eastern Railroad Company, to confirm, . . . . .	18
Traveller Newspaper Association, to incorporate, . . . . .	67
Treasurer to borrow Money in anticipation of the Revenue, . . . . .	169
Trial by Jury before Justices of the Peace, in certain cases, to amend Act providing for, . . . . .	55
"    Justices, Governor to designate and commission, . . . . .	101
Troy, Dudley, and Marshpee Indians, Resolve in favor of, . . . . .	163
Trustee Process, relating to attachment of Dividend in hands of Assignee, . . . . .	31
Trustees of State Lunatic Hospitals, relating to Annual Meetings of, .	16

## U.

United States, Jurisdiction over certain Lands in Boston ceded to, for a Court House, . . . . .	127
"    Jurisdiction over certain Lands in Cohasset ceded to, for Light-keeper's house, &c., . . . . .	33
"    Jurisdiction over certain Lands on Point of Rocks in Westport, ceded to, . . . . .	39
"    Supreme Court of, Resolves in relation to Decision of, in case of Scott <i>versus</i> Sandford, . . . . .	170
Unmarried Females and Widows, Exemption of the Property of from Taxation, relating to, . . . . .	33

## V.

Veazie, William F., Claim of, Auditor to hear and examine, . . . . .	77
Vegetables and Fruit, concerning the Measurement of, . . . . .	53

## W.

Waltham, Rumford Institute in, to incorporate, . . . . .	38
Ward Mills, to incorporate, . . . . .	91
Wards and Guardians, concerning, . . . . .	87

# INDEX.

xxi

Wareham and Marion, Town Lines between, relating to, . . .	Page 156
Warren and Charles River Bridges, Tolls, when to cease, . . .	76
“ Museum of Natural History, to incorporate, . . .	22
Washington Mills, to incorporate, . . .	89
Watchmen and Fireman to the State House, for the appointment of, . . .	131
Water, Act for supplying the city of Boston with, in further addition to, . . .	64
West Roxbury Railroad Company, in addition to Act incorporating, . . .	28
Western Railroad Sinking Fund, respecting, . . .	78, 131
Westport, Jurisdiction over certain Lands on Point of Rocks in, ceded to the United States, . . .	39
Wharf Company, Battery, to incorporate, . . .	90
“ “ European, to incorporate, . . .	26
“ Heirs of John Black to extend, . . .	17
“ Henry A. Potter and others, to maintain and extend, . . .	19
“ John Somes to extend, . . .	64
“ Robert Fears to extend, . . .	66
Widow of Intestate, assignment of Estate of, relating to, . . .	26
Widows and Unmarried Females, exemption of the Property of, from Taxation, relating to, . . .	33
Winthrop Mutual Fire Insurance Company, to incorporate, . . .	79
Wood, Ornamental, Lumber and Ship Timber, concerning the survey of, . . .	135
Worcester, City of, Resolve in favor, . . .	158
“ County, Court of Common Pleas for, relating to, . . .	88
“ “ “ Insolvency for, fixing the salary of Register, . . .	97
Writ of Certiorari, concerning, . . .	84





















